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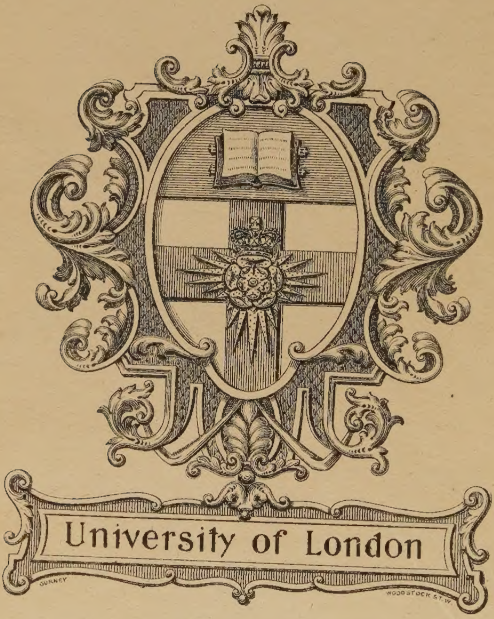

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THE

PARLIAMENTARY DEBATES,

New Series,

VOL. XIX.

THE

PARLIAMENTARY DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
Mr. HANSARD.

New Series;

COMMENCING WITH THE ACCESSION OF GEORGE IV.

VOL. XIX.

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FROM
THE TWENTY-SECOND DAY OF APRIL,
TO
THE TWENTY-EIGHTH DAY OF JULY, 1828.

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1829.

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PARLIAMENTARY DEBATES.

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Parliamentary Debates

During the SECOND SESSION *of the* EIGHTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and* IRELAND,
appointed to meet at Westminster the 29th of January,
1828, *in the Ninth Year of the Reign of His Majesty*
King GEORGE THE FOURTH.

HOUSE OF COMMONS.

Tuesday, April 22, 1828.

COUNTY PALATINE OF CHESTER.] Mr. *Wilbraham* said:—I fear that it may be deemed presumptuous, in a person so little conversant in the details and intricacies of the law as I am, to introduce to this House a subject which mainly concerns its practical administration. To this imputation I am willing to submit in the performance of a great and imperious duty. I am aware, too, that it may be objected that I did not bring forward this subject at the moment the most opportune for its reception; at that time when, in consequence of the motion of the hon. and learned member for Winchelsea, the whole state of the law was thrown open to the discussion of this House. Sir, I am free to confess that I was deterred from this line in consequence of the character of that discussion. I was unwilling to intrust my feeble powers upon so vast a plain, especially as the ground was occupied, with one exception, exclusively by gentlemen of the learned profession.

But I have since considered, that the subject which was then before the House, was one, not of partial interest, but of universal concern; and I have thought that it might not misbecome us, whom I may call the suitors, and, perhaps, the sufferers, if we were to state the nature of our grievances, to point out the source and character of our disorders, though we might leave it to the skill and sagacity of those learned persons to afford us, if they could, a remedy appropriate for their correction.

It is with this view, and in this character, that I present myself to the House, in order to call its attention to one of those anomalies which forms an exception to the general excellence of our judicial administration. If in directing the notice of the House to the subject of the palatine court of the county of Chester, I do not comprehend in my motion the courts of great sessions of Wales, it is not that I am ignorant of the close connexion of these establishments; but, besides that the administration of the law is essentially different in some particulars between them, there are, I know, many gentlemen in this House, representing the interests of the principality, who are better able, than I can pretend to be, to state the inconveniences that arise, or, if such there be, the advantages which result from their peculiar form of judicature. It is sufficient for me to confine myself to the courts of that county to which I belong.

It has ever been my pride, as an Englishman, to look up to the institutions of my country with that reverence to which they are generally entitled. Whatever I may at times have thought of the executive government, yet I have been always taught to speak of the administration of justice in our courts of common law in terms of the highest praise. If this perfection is, in a great measure, to be attributed to that noble institution, that glory of the English law, the trial by jury, some part of its beauty, at least, is due to the character of the judicial body, to their separation into a distinct order of men, nominated, indeed, by the Crown, but not subject to its continued control and influence. The independence of the judges was one of the best and earliest fruits of our glorious Revolution. It was further guaranteed to us by his late majesty, who, in the first speech which he ever addressed to his parliament, was pleased to declare, that "He looked upon the independence and uprightness of the judges, as essential to the impartial administration of justice; as one of the best securities for the lives and liberties of his subjects; and as most conducive to the honour of the Crown." This declaration was followed, as we know, by an enactment which redounded as much to the honour, as it did to the popularity, of the new monarch.

Now, Sir, great as my satisfaction has always been, thus to be able to speak of the courts of law of England in general, how infinite must my regret have been, when I have found myself obliged to declare that that part of the country to which I belong is deprived, in great measure, of these advantages; deprived of them, forsooth, for no other reason than because some seven or eight centuries ago, William the Conqueror thought fit, in the general division of the country, according to the feudal system which he introduced, to allot one portion of it under the name of a county palatine, to one of his principal followers, and, I believe, a relative. I am not going to impugn the policy of that great man; as little am I inclined to question the wisdom of that act (36 Henry 8th), which created the courts of great sessions in Wales, and which regulated the palatine court of Chester in its present form; but I wish to appeal to this House, and, through it, to the common sense of the age, to ask,—why one of the wealthiest counties in England, yielding to none in the richness of its soil, and inferior to few in the magnitude of its commercial concerns, where, consequently, subjects of the highest importance must be annually brought into litigation, should still continue to be deprived of those advantages which inhabitants of the other counties of England regard as the best security for their liberties, their properties, and their lives? It is not my intention to go into any considerable detail as to the inconveniences which arise from the peculiar form of the Chester courts. Neither my habits, nor my acquirements, befit me for such an undertaking. But, lest I might seem to have taken up this subject upon a superficial view of its bearings, I will mention two or three of those disadvantages which must strike the most common observer.

In the first place, by the constitution of this court, the two judges are obliged to preside at the same time upon a trial. In other assize courts, I understand, that while one of the judges is occupied by the criminal trials, the other is pursuing the business at Nisi Prius. With us, on the contrary, the criminal calendar must be first disposed of, before the civil causes can commence. This arrangement might have been very satisfactory in former times, before Cheshire was a great commercial county, and when the assizes were usually finished in two or three days, but is exceedingly ill-adapted to the present magnitude and exigency of its affairs. It is only known to practitioners and to those who are in the habit of attending these assizes, with what inconvenience it is attended:—first, to the judges, who are obliged to pass ten days in doing that which might be as effectually performed in five;—secondly, to the counsel, the most eminent of whom do not usually attend in the criminal court, and are therefore five or six days without employment, no small discouragement to their attendance at all;—thirdly, to the jurors, and particularly to the special jurymen, who never can know precisely when a civil case is to begin; and last, though not least in importance, to the suitors and their witnesses. All this delay is, of course, attended with a heavy additional expense. This evil is accompanied by another of a serious nature, but it is one which I must touch upon with some delicacy. There is, undoubtedly, a very respectable body of gentlemen who usually attend the Chester circuit; but, in consequence of the arbitrary mode of fixing the time of holding these assizes, in which it has been suspected that private convenience sometimes supersedes the public good, it has frequently happened that we have been deprived of that large body of intelligent and experienced counsel, without whose assistance no one would undertake a cause of great importance.

The mode of moving for a new trial in this court is another objection—a process which, in all other cases, takes place before the judges in Westminster-hall. But had I occasion to move for a new trial in the local jurisdiction, I mean in those cases where the record does not proceed from the courts at Westminster—and this is no inconsiderable part of the whole—to whom will the House think that it is necessary for me to apply? Why, to the very same judges by whose misdirection, perhaps, or by whose ignorance of the law, the verdict against which I complain has just been given. I say nothing of our exchequer and equity court; for though its power and jurisdiction are very extensive, yet, as it is almost fallen into disuse, I cannot complain of that as a practical grievance. One topic more only will I touch upon. This is the mode of levying fines and suffering recoveries,—a process which, in Cheshire, can take place only twice in the year. Thus, if I succeed to an estate-tail in the month of September, I must wait till the following April before the entail can be barred—a delay which must often be attended with the greatest disadvantage to the parties. I mention this with the more confidence from the county magistrates having made strong representations on the subject, and having made them in vain. This is one of the evils, among others, which the Welsh Judicature bill abolished a few years ago; but let it be remembered that this bill was not extended to the county of Chester. So that we remain an insulated, proscribed body, excluded from the benefits of the English jurisdiction, and not allowed even to participate in the improved practice of our Welsh neighbours.

But I will not pursue this part of the subject further, for the reasons I have already given. I, however, pledge myself to substantiate by evidence in detail the truth of these general allegations, and to prove the disadvantages under which we labour. But even were I to omit this, I say that my case would scarcely be weakened; for I maintain that it is incumbent upon those who are interested in the continuance of these courts (and, undoubtedly, there will be found some who, from ancient prejudices, and from attachment to privileges, and to old customs, however bad, or from attachments of some other sort, will desire their permanence); I say it will depend upon them to show their absolute superiority, and the public advantages which are derived from them, in order to compensate for the original constitutional defect in their formation.

It may be asked, and reasonably asked, how it has happened, that if these evils are as great as I represent them to be, petitions have not been laid upon your table, and that no gentleman connected with the county has brought the subject forward for the consideration of parliament? To the first of these questions I will reply, that the great body of the people, though really interested in perfecting these courts, know little beyond the sphere of their own county-town; and, therefore, have no standard whereby to draw a comparison. But the subject has frequently been brought before this House in conjunction with the Welsh courts, and as frequently discountenanced by the ministry of the day, and all alterations, as referring to the Chester court, entirely rejected. But, Sir, the principal reason why gentlemen connected with the county have always been unwilling to introduce this subject to the House has been this: they have feared lest they might seem to be making an attack upon the individual judges, and thus be the means of bringing an existing tribunal into contempt.

I can appreciate this delicacy. I know that it has lately deterred the magistrates and others from presenting petitions. How far a similar feeling ought to influence the conduct of a member of this House, it is not for me to determine. I wish, however, distinctly to declare that I have no charge to make against the character, honour, and integrity, of the two learned persons who, at present, occupy the bench at Chester. It is not to them personally, it is to the system that I object. It is to the mode of their appointment, for it cannot be denied that the principle of their appointment is very different from that which regulates the choice of the other judges of the land. Let me give the instance of the gentleman who is now one of the judges of the court of Chester; and, at the same time, a practising barrister on the Oxford circuit. Now, it may happen that this gentleman, in his capacity of counsel, may be consulted upon a case, without reference to names or places. It may, too, happen that this very same case may be brought for his adjudication at Chester. In what manner would it become him to act in such a situation? Could he retire from the bench, and thus, as far as it depended upon him, deny justice to the subject? Or would he be justified in adopting the other alternative, in proceeding with a cause, for his opinion upon which he had already received a pecuniary fee? Let not gentlemen suppose, that this is a case of such rare occurrence, as may be supposed; for besides many cases of a similar sort, of which I have heard in the Welsh courts, I will undertake to prove that, within a few years, such an occurrence did actually take place in the court of Chester. I do not say this in the tone of accusation. On the contrary, I know that the learned person who then presided in the court of Chester, did behave with that delicacy and propriety which might have been expected from him in the awkward situation in which he was placed. I do not even blame him. I only mention this fact to prove the total incompatibility of the functions of judge and advocate, and to show that the better is the advocate, inasmuch as he is more likely to have extensive practice, the more certain he is to be an inefficient and improper judge. Now, so anxious is the English practice to prevent all intermixture between the branches of the profession, so desirous to obliterate every impression which might be handed over from the advocate to the judge, that when a barrister is appointed to the dignity of a judge, it is the universal custom that he should abstain, for some years at least, from going upon the same circuit where he had practised at the bar. Could there be any circumstance more likely to bring disrepute and contempt upon a court than the one which I have mentioned? I do not mean to say, that it is one which takes place so often as to be a serious impediment in the march and administration of the law—I make no such assertion. But why should we be subject to the possibility of its recurrence? or rather, why should we be contented with an inferior tribunal, when the constitution points out the very highest as our birth-right and inheritance?

Sir, I object to them, moreover, as political judges. Neither do I here mean to assert, that their party feelings and their political connexions are such as to warp their conduct and their decisions in the ordinary fulfilment of their duties. I know that, for some years, the circumstances and complexion of the times have not lent themselves to such a suspicion.—But it is notorious that these judges are usually appointed to serve ministerial objects; and let gentlemen call to mind the legal history of this country during those unhappy times, when political judges presided in our courts of law, and let them then be surprised if they can, that we should take every means in our power to ward off a recurrence of similar disasters. What has happened once may take place again. Let me beg hon. gentlemen to look at the abominations which were committed under the name and with the sanction of the law, in the reigns of the two last princes of the house of Stuart, when the judges were entirely dependent upon the court, and looked for future promotion in their profession only by a servile compliance with the wishes of their employers, and let them then blame us, if they can, if we look with an eye of the most scrutinizing jealousy into the character and composition of our courts, which ought not only to be above every contamination, but, like Cæsar's wife, above all possible suspicion.

Sir William Garrow, while a member of this House, and his majesty's Attorney-general, was nominated chief justice of the court of Chester; thus uniting in his own person a portion of the legislative and the administrative powers, besides being counsellor to, and himself part of, the executive. Every writer who has treated the theory of the English constitution has denounced this conjunction of offices as totally repugnant to its first principles. Blackstone asserts that in the distinct and independent situation of our judges, consists one main preservative of the public liberty, which cannot subsist long in any state, unless the administration of justice be in some degree separated, both from the legislative, and also from the executive power. Montesquieu, no mean judge of the springs by which the movements of great governments are regulated, expressly asserts, that where there is such an union of the three powers in one man, or in a body of men, there is an end of all liberty. I well remember that this subject was brought before this House by the late sir Samuel Romilly, not as a substantive motion, but incidentally upon moving for the writ. No proceedings were had in consequence, and no defence of it was made by the minister of that day. There might have been good reasons for that nomination. I am forced to presume that there were good reasons for the silent acquiescence of this House; but this I do remember, that that nomination was considered by all impartial men as a most unconstitutional one, and, under those circumstances, as an insult to the county of Chester. Do not let me be supposed as here contending against that proper and natural influence which every government acquires by the nomination of its own officers. Whatever theorists may advance, I am of opinion, that no government ever did exist without such influence, and I am further convinced, that no government could long subsist without it. It is one great source of stability. But it does not the less behove that body which is more immediately connected with the people to watch over this influence, to see that it be not perverted to the purposes of bad government, but, above all, to ward off its approach from all contact and collision with our judicial establishments. It is this which is the distinguishing beauty of our admirable system of administering justice; it is this which constitutes our superiority over every other country in the world; it is this, too, which unfortunately marks the inferiority of the tribunals of that county whose interests I am endeavouring to advocate.

It is no answer to what I have advanced to quote the names of many illustrious lawyers who have presided as judges in the court of Chester. I know, too, that some of the brightest ornaments of our country, and the great luminaries of the law, such as Coke and Bacon, were members of bad and unconstitutional tribunals: I am aware that lord Kenyon, sir Vicary Gibbs, lord Lyndhurst, and other great judges, did begin their judicial career upon the bench at Chester; I acknowledge their high qualities; I am sure I do not wish to detract from them; but, before gentlemen use this as an argument in favour of the present system, they ought also to add the length of time that we have had the benefit of their services. Sir Vicary Gibbs remained but one year, and lord Lyndhurst a single session in that office; for, as the chief-justiceship of Chester is looked upon but as the stepping-stone to higher employments, and, as it were, a training-ground for young judges, no sooner is their high merit discovered, and they begin to be acquainted with our peculiar practice, than they are immediately transplanted to more advantageous situations, and their places supplied by new aspirants.

It will be said that I am endeavouring to make a great innovation upon an old and established system, which time has hallowed, and which long practice has endeared to the people. Sir, I am the last man who would willingly disturb any of those ancient institutions, in which even the prejudices of the people are involved —in which they saw, or fancied they saw, any greater security to themselves, and to their property, than in the realization of any more perfect theory. But, out of the precincts of the court, I defy any body to show fuch a feeling in the county of Chester. On the contrary, all those who have paid a little more attention to this subject than their fellows, look with something like contempt upon their own courts, and with envy upon those of the surrounding counties.

But, let it be called an innovation. I recoil not from the word, for I say our legal history teems with such innovations. We have numberless instances of courts which were extremely well adapted to the purposes of their original formation, but which have afterwards become useless, their practices obsolete, and themselves consequently abolished. Among others, I will name the Star Chamber, a court second only to parliament itself in authority, which was, as we know, abolished by 16 Charles 1st, for the abuse of its power. The Court of President and Council of the North, that court in which the famous lord Strafford first developed those arbitrary principles which afterwards subjected him to so harsh and irregular, though so well-merited a fate, was put an end to by the same statute. The Court of Wards and Liveries was abolished by stat. 12 Car. 2nd. The Court of the President and Council of Wales, and the Marches, restrained by stat. 16 Car. 1st, was finally abolished by 1 William and Mary, and the counties palatine of Hexham and Pembroke were extinguished by 27 Henry 8th, and 17 Eliz. Now, Sir, it is not for me to recommend in what manner this reform, to which my motion evidently points, shall be carried into execution, whether by throwing the county of Chester into one of the English circuits, or by creating a new circuit altogether, in conjunction with the twelve Welsh counties. Still less do I presume to say, whether two or more judges should be added to the present number, whether they should be placed in the court of King's-bench, in the Common Pleas, or in the Exchequer court. I know too little of the practice of those courts to hazard such a suggestion; but lest I may be supposed to have proceeded without sufficient grounds, and lest the goodness of my cause should suffer from the weakness of its advocate, I must beg leave to appeal to an authority which cannot be esteemed a very light one in this House. I appeal, Sir, to the authority of your immediate predecessor in that chair, Mr. Abbot, the present lord Colchester, who, in a work he published above thirty years ago, upon the jurisdiction and practice of the courts of Wales and Chester, has made some remarks so strongly bearing upon the subject which I have introduced to the House, that I cannot with justice to my cause, and to those who are interested in its success, refrain from asking permission to read a few short extracts from it.

"Upon examination of the whole question, in all its parts, if it should finally appear that the arguments for abolishing the Welsh judicature ought to prevail, it will then be satisfactory to find that such a measure would be warranted by general principles, and analogous precedents, each of the highest authority.—In principle, this alteration would fully satisfy the standard proposed by lord Hale, in his 'Discourse upon the Amendment of the Laws,' by which he requires,—'1st. That the change be demonstrable to be for the better, and such as cannot introduce any considerable inconvenience: 2. That the change be not in foundations or principles, but in such things as may consist with the general frame of the government or law.' The consequences of such a measure to the public interests of the kingdom are next to be considered. And although it might require an increase in the number of English judges to discharge the increase of circuit duty instead of those judges whom it would supersede, yet this very consequence might be economically beneficial, as far as that consideration ought to weigh; and it might also be rendered of the highest importance, and of the greatest advantage, to the general administration of justice. Nor can any valid objection arise from the mere change in the number of judges, as that has been extremely variable at different periods of time. Economically, there would be an advantage to the public, if two additional English judges were appointed in lieu of the present establishment of eight inferior judges for Wales."

And now, Sir, before I submit my motion to the House, I have but one word more to add to a statement which, I fear, has been already too long. In doing this, I shall endeavour to imitate the example, and to tread in the steps of my hon. and learned friend the member for Winchelsea; in every other instance at a distance immeasurably great, but, if in no other, yet in this approaching him, by an earnest endeavour to divest myself of every political or party feeling in pursuance of this our common object, a minute though no unimportant portion of that great scheme of judicial reform which his comprehensive mind alone could embrace, and which his splendid eloquence alone could illustrate. For though I do not pretend to be more exempt from those feelings than any other member of this House, yet when the greater interests of my country are at stake, when it is required to bring equal justice home to the door of every Englishman, (and it would be difficult to produce an instance more pregnant with that necessity than the one which I have had the honour to introduce to the House) I would scorn to let any inferior feelings intermix themselves with so great an object, my only purpose being to render some little service to a county to whose interests I profess a particular attachment.—I move, Sir, "That instructions be given to the Commissioners of Inquiry into the defects of the laws occasioned by time or otherwise, that they direct their early attention to the administration of justice in the county Palatine of Chester."

Mr. *Leycester* seconded the motion, and said that the subject was one which called for the attention of the legislature.

Mr. Secretary *Peel* said, that the hon. seconder did not seem to be aware of the precise object to which it referred; and he might say the same of the hon. mover. He wished to remind him, that no commission had issued under the Great Seal for an inquiry into the administration of justice in the county Palatine of Chester. He would suggest, that the question ought to come under the cognisance of the commission for Inquiry into the origin and progress of the superior courts of Law. Though the motion referred to Welsh courts, he had no objection to their being included among the superior courts of law in this county. Under these circumstances, he hoped the hon. gentleman would consider that a sufficient answer was given to his motion.

Mr. *Davenport* supported the motion, and said that the hon. member had done himself great credit by the manner in which he had brought it forward.

Mr. *Wilbraham* said, that after the explanation given by the right hon. Secretary he felt perfectly satisfied, and would, with the permission of the House, withdraw the motion.

The motion was accordingly withdrawn.

Friendly Societies' Bill.] Mr. *Brougham* said, he rose to present a petition which was deserving of the serious consideration of the House. It was signed by the chairman and secretary of the delegates from the various Friendly Societies in Manchester and its neighbourhood, and prayed that the bill which was in progress might not pass into a law. He entirely concurred in the views of the petitioners. The retrospective clause in it was extremely objectionable. It was to this effect,—that if any society already enrolled should wish to make any alterations in their rules, they must make them under the provisions of this act, and be deemed a society within the meaning of the act. He was morally and legally certain, that if it passed into a law, it would be productive of endless litigation.

Mr. *Hobhouse* said, he understood that the retrospective clause in the bill was proposed to be withdrawn; but there were other clauses highly objectionable, and the public opinion was decidedly against the measure. He objected to the clause for referring all calculations to Mr. Finlayson. Many people were by no means satisfied with the correctness of that gentleman's tables. At the suggestion of the Chancellor of the Exchequer, it had been agreed to withdraw the clause as to the qualification of trustees; but if so much of the bill was given up, it would certainly be policy to give it up entirely. The bill was very obnoxious to the persons who were immediately concerned in it, and the country had a deep interest in giving no check to the disposition of the lower orders to form themselves into benefit societies. The sum already invested in these societies throughout the kingdom amounted to no less than seven millions; and a heavy addition to the poor-rates would be among the earliest evils arising from any dissolution of them.

Mr. *Courtenay* had no objection, as far as his personal wishes were concerned, to withdraw the bill; but part of the matter complained of was already law, under the bill of 1819; and unless the present measure were carried forward, there was no course by which the difficulties existing under that bill could be remedied.

Mr. *P. Thompson* said, that the publicans were interested in opposing the bill, which easily accounted for the number of petitions presented against it.

Mr. *Brougham* said, he did not object to legislation upon the subject, but he objected to this particular measure, because he knew it was obnoxious to the very persons whom it was intended to serve. The bill had a bad name among the lower orders; and he therefore thought that it would be better to withdraw it.

Ordered to lie on the table.

Anatomical Science—Subjects for Dissection.] Mr. *Warburton* said, he should trespass but for a very few moments on their patience in explaining the object of his motion. That object was simply the propagation of Anatomical Science, by facilitating a regular supply of Subjects for Dissection in our Schools of Surgery. Although our students in surgery were numerous, amounting perhaps in London, to six hundred or seven hundred, without including the country, if it were not for the difficulty experienced in providing subjects on which the professors might lecture, this number would be considerably increased; for it was ascertained that there were not less than two hundred English students in Paris, and about three hundred in Dublin, besides some in the Dutch, Flemish, and German shools of anatomy, whose only reason for retiring from their own country originated in the cheapness and facility with which they were supplied with subjects for dissection contrasted with the difficulty and expense which they experienced in prosecuting those studies at home. Taking the supply for these students at the rate of two subjects for each, the number of subjects required annually could not much exceed two thousand, if our schools were as full of students as we had a right to expect. How far this supply was aided by legal provision, might be conjectured from the fact, that there was no provision made by law for surrendering up to the College of Surgeons any bodies of malefactors, except murderers, who were found in London and Middlesex not to exceed five on an average in seven years. It was not his intention to trespass on the province of the medical gentlemen whose interests were more particularly at issue, by detailing the outline of the remedy which they believed they had it in their power to suggest to the House, to remove the difficulty existing in procuring a supply of subjects. He would nevertheless state a circumstance which proved that the growth of information tended to remove the repugnance to dissection which formed one of the most formidable obstacles in the path of science. A professor of celebrity, who had lectured on the osteology, before an assemblage of one thousand two hundred mechanics, proposed to continue his course of lectures on the human frame still further; these persons, although not accustomed to such an exhibition, expressed a wish to hear the lecturer treat of the softer parts of the body, and accordingly a disinterred subject was introduced, the face being concealed, and other precautions taken to render it less offensive; and, singular as it might appear, with the exception of two or three weak stomachs, all witnessed the dissection without either disgust or loathing: and the body was at that moment reduced to a skeleton, the property of the institution. The hon. member concluded by moving, "That a select committee be appointed to inquire into the manner of obtaining subjects for the Schools of Anatomy, and the state of the law affecting persons employed in obtaining or dissecting bodies."

Mr. *John Smith* seconded the motion. The facility of supplying subjects for dissection would, he said, advance the interests of science. There were no set of men in the country to whom society was more indebted than to the surgeons and physicians. Numbers of young men were obliged to leave this and resort to foreign countries in search of the knowledge of their profession. If a supply of subjects could be had at home, in all probability none of these students would go abroad.

Mr. Secretary *Peel* acknowledged that if ever he entertained a doubt as to the propriety of making some legislative provision on this head, it arose altogether from delicacy and a consciousness of the difficulty of combating successfully with old and confirmed prejudices. At the same time he would admit, it was not a light matter that so many eminent men should feel it necessary to appeal to that House, and state that they felt great difficulty in prosecuting their useful and humane inquiries, in consequence of the obstacles arising out of the present state of the law in this respect. He would be the last man to oppose those gentlemen in their wish to be heard before a committee of that House, if they could suggest a mode to procure a supply of the dead, without offending the feelings of the living. For the enlightened views, the pure philanthropy, and the liberal feelings of medical men generally, he felt so much respect, that he did not hesitate to pronounce them a blessing to their native land, and an honour to humanity; yet he would suggest the necessity of great caution in bringing forward a measure which seemed to conflict with the prejudices of mankind generally, and to wage war with those feelings of respect for the departed which extended beyond the grave. One of the worst possible topics to introduce into his speech was the calculation made by the hon. member, that two thousand dead bodies would be requisite yearly for the supply of the students of the metropolis. The only point, too, in which that hon. member's anecdote respecting the victory obtained over prejudice in the Mechanics' Institute failed, was, not that a few weak stomachs grew qualmish, but that none of those eager disciples of information had, in order to show their disdain of vulgar prejudices, justified the eulogium the hon. member had pronounced on them by offering their own bodies to be dissected; for this vulgar prejudice was not against seeing bodies dissected, but against being ourselves dissected. The attempt to supply the advantages derived from dissection by the substitution of wax models had been very properly denominated merely mangling the living instead of the dead. It had been suggested, that in order to increase the supply, the bodies of all persons dying under sentence for felony should be given up for dissection. To this it was objected, that the practice would diminish the horror felt for a murderer's doom. The hon. member should take particular care, in framing his remedy, that its effect should not be to raise the price of a subject, which was not impossible. In the present state of the public feeling, he should not oppose the appointment of a committee.

The motion was agreed to, and a committee appointed.

Corn Laws.] On the motion, that the House should resolve itself into a committee on the Corn Laws Acts, Mr. *Portman* regretted to say, that he saw little reason to congratulate the agriculturists on the prospects held out to them of protection from the competition of foreign corn in the supply of the British market. The proposed regulations of this were less favourable than those of the preceding year, for this reason—that they did not afford positive protection. He took, as a point conceded on all hands, that 60*s.* per quarter of wheat was the point at which protection ought to begin to be extended to the agriculturist. The price of corn was liable to perpetual fluctuation, in consequence of the quantities of that article which might be brought into the country for purposes of trade, and the facilities afforded by that principle of hostility to all prohibition, which was adopted into our policy, and which appeared to be growing stronger and stronger every day, in all branches of commerce. It was obvious that all the corn imported for the purposes of trade, above what was required for the use of the country, must reduce the price of that commodity. When by this means it was reduced to the foreign level, it became exceedingly difficult to raise it up to that amount which was necessary to remunerate the agriculturist. In fact, it could only find its proper level by a progressive adjustment of the supply to the demand; which, in the case of corn, was all but impossible. He would next state, what amount of protection he thought was required to meet the peculiar circumstances of the growers in this country. He agreed with those who maintained that every fair concession should be made to the consumers, and that if possible the legislature should not meddle with the subject above 60*s.* It would appear, from reference to the last seven years, that the average price was from 53*s.* to 54*s.* Under the present system, he wished that a point should be taken below 60*s.*, at which some certain duty should take place. The plan which he would be desirous to see adopted, was that of which the foundation was laid by the resolution of the House last year. The present ministers were most of them parties to that measure; and he hoped that the discussion which the subject had undergone elsewhere did not wholly disincline them from taking the average at 58*s.* The returns before the House would show that corn could be imported lower than they had taken it according to the present scale of duty. If the resolutions now proposed were those by which ministers were determined to abide, he hoped the House would support him in a proposition for postponing the subject altogether to that day six months; as he conceived that a bill founded upon those resolutions would be most injurious to the landed interests.

Mr. *Byng* said, that whatever satisfaction the right hon. gentleman might suppose to exist with regard to his measure, the agriculturists would have been still more satisfied with the measure of last year. They required more protection when the averages were from 52*s.* to 58*s.* than when they were from 62*s.* to 64*s.* In fact they wanted no protection from 62*s.* to 64*s.*, and, on the whole, were much more satisfied with the bill of last year than with this.

Mr. *Beaumont* said, he could not agree with the hon. gentleman in preferring the measure of last year to that which was now before the House. But, willing as he was to support the present bill, he could not approve of taking the protection at a lower ratio than that proposed last year. They had additional experience to guide them, and that experience would show that foreign wheat could be brought into this country at a lower price than they had assumed, and had endeavoured to support by their averages. He knew for certain that foreign wheat could be brought into this country as low as 24*s.* the quarter. If 30*s.* were added to that it would not amount to a prohibition. The whole amount would then be 54*s.*, including duty, which was lower than 58*s.*, the lowest average contemplated in the scale of duties.

Mr. *C. Grant* said, that the hon. gentleman who had opened the debate had expressed an opinion that 58*s.* was an inadequate protection, and that those who supported the measure of last year could have no objection to take 58*s.*, or some point below 60*s.*, as one at which a certain duty should attach. But the hon. gentleman, when he alluded to the measure of last year, was bound to take the whole, and not an insulated part; and, if he did so, he would find that in the same bill it was also taken above 60*s.* He would allow that there was great difficulty in ascertaining the price, or the exact amount, of the foreign corn which came to market. That commodity was liable, like all others, to fluctuations from various causes: the seasons, the means of transport, had their effect; but, above all, the state in which the corn trade had been placed during the last thirty years operated to produce and to aggravate fluctuations to an extent which bade defiance to calculation. There was the gigantic scale both of price and of protection which existed during the war, and then came the act of 1815 subsequent to the war, and tending, perhaps, more than any other cause, to confound calculation, and to keep prices in a perpetual state of uncertainty. But though he admitted that they could not come to an exact opinion as to the price or quantity of the article, they were not without means of arriving at averages upon which it was competent for them to legislate. The real question was, whether the scale now proposed was such as to afford sufficient protection to the agriculturist. The best way to determine this question was, to look at the prices as they appeared in the papers on the table. The hon. gentleman had quoted the authority of Mr. Canning for stating that 30*s.* would operate as a prohibition; but the fact was, that if, as in the present bill, they had a varying duty, they could not say at any point that there existed an actual prohibition. Besides, the argument did not apply exclusively to the present measure, but was equally applicable to that of last year. He held in his hand an account of the average price of the foreign corn imported during the last seven years, and he thought the House would agree that that justified the scale which ministers had taken. On referring to the importations from Dantzic in 1827, he found that the price at Dantzic was 22*s.* 5*d.* The charges of conveyance were stated at 10*s.*, which made 32*s.* 5*d.* independently of duty. Then taking the duty at 30*s.*, the importation price would be 62*s.* 5*d.* An hon. gentleman had said, that wheat was introduced into this country last year, at 24*s.* He believed the hon. gentleman alluded to an importation into the port of Hull. But he should like to know what the quality of the article was, and whether it remained in warehouse for exportation, or was let into the general market of the country. But whether or not, a few extreme cases could not be admitted to bear upon the general argument. With respect to Hamburgh, the average price of last year was 28*s.* 2*d.* The 30*s.* duty would make it 58*s.*, independently of the charge for carriage. In Holland the price was still dearer; and looking to Petersburgh, he found that the price for the same year was 25*s.* 1*d.*, and the charges for transport were 11*s.*, which, added to the duty, amounted to nearly 70*s.* Upon the whole of the averages of the last seven years, it would be seen, that the protection adopted by government was a reasonable, moderate, and just one.

Mr. Secretary *Huskisson* said, that the proper time for entering upon the discussion of the Resolutions would be in the committee, when the merit of the several parts of the measure might be discussed. This was far more convenient than to anticipate the discussion by an irregular debate. One gentleman said, he would not support the measure in the committee if such a duty was proposed; another gentleman objected to another branch of the measure. But, instead of putting these suppositious cases, the far better way would be to hear what was proposed, and then to entertain the discussion upon it.

Mr. *Calcraft* observed, that the right hon. gentleman had stated, that the present was not the regular parliamentary stage in which the discussion could be taken. In that opinion he must differ from the right hon. gentleman. It was in the recollection of the House, that a plan had been proposed last year, by one whose loss they all deplored; and it was but fair and reasonable that they should compare it with the provisions of the present. He did not put the question on any narrow ground of preference, nor mean to argue it as a protection to the agricultural interest, for it involved the interest, of the whole community. He would agree that the landed interest ought to have protection, but not merely for their own sake. The principle upon which it should be afforded was the good of all. It was necessary that they should be protected, because, with all the ports open, it was impossible to say how great a supply might be received from those vast tracts of country which only wanted encouragement to pour in their produce to the detriment of our own agriculturists. The bill of last year had the feelings of the country in its favour. It fixed the pivot price at 60*s.* but the present bill, departing from that precedent, had fixed it at a lower rate, and upon a principle less calculated to operate as a certain protection. In 1815, we were told that the average price of corn for several previous years had varied from 78*s.* to 80*s.* He had foreseen the injurious tendency of the bill which was then introduced into parliament, and then had opposed it to the utmost of his ability. We were told, in 1822, that in consequence of the peace, and the consequent reduction of taxation, and certain other causes, 70*s.* was the proper average price; and we were next told, in 1827, that 60*s.* was the proper average price. Now, if we took into our consideration the price of corn during the last year, we should find that the proper average price was somewhat lower than 60*s.* Why, then, should we jump at once, and without any express reason, to an average price above 60*s.*? To that part of the present resolution he must object. With respect to what had fallen from the member for Dorsetshire, he fully agreed with him in thinking that these resolutions gave us no protection where we were most vulnerable, and incumbered us with an insupportable weight of armour where we wanted no protection. From 50*s.* to 58*s.*, we were worse off than we were before; and that was exactly the point at which the people at large did not feel any inconvenience. We thus had corn let in when the people did not want it; but when it rose above that price, and its dearness began to inconvenience them, we threw every possible obstacle in the way of its importation. For his own part, he did not pretend to understand the policy of this measure; but he knew well enough the manner in which it had originated. He was sorry to oppose any measure of the duke of Wellington's administration, and if he now opposed it, it was because he found it necessary to support his own consistency on this important question. It was only natural for the duke of Wellington to say that 64*s.* was the proper average price, for he had said so last year; and though it might be convenient for those who held seats in the cabinet, to compromise their former opinions, in order to retain them. Why should he, who had no seat in the cabinet, imitate their example? That might be—he would not say that it was—one of the reasons which had led them to agree, that 64*s.* should be fixed upon as the proper average price. There was also another reason why that sum had been fixed upon, which pleased him as little as that to which he had just alluded. Ministers had said, that the present was the most likely arrangement to get the new Corn bill passed in the other House of Parliament. He was sorry to say that he heard a great deal too much of this compromising language. It was only the other day that he was told, in a committee up stairs, that there was a certain noble lord in the other House who insisted on having a certain clause inserted in a bill which was then under examination; and the House was now told, that unless they shaped their Corn bill in such and such a manner, they would not have the slightest chance of getting it through the other House. He should be sorry if they did not get it through the House of Lords; but sorry though he might be, he should prefer acting on his own sense of right to entering into a truckling compromise of principle with the other branch of the legislature. It would, indeed, be matter of regret, if, when the Commons of England were seeking to obtain a cheap supply of food for the people, the other House of Parliament would not accede to that which appeared to them to be only right and equitable. He was opposed to these resolutions on two points; the first was, that they strengthened the agricultural interest where it wanted no additional strength; and the second, that they left it open to injury in the very quarter in which it was most exposed. The right hon. gentleman had told them, that nobody could object to the Speaker's leaving the chair on the present occasion, except those who were anxious that the Corn-laws should remain as they were. He was not one of those who wished the Corn-laws to remain in their present state. A more wicked and detestable system had never been devised; and he thanked Providence that we had escaped so well as we had done from the mischief which it was calculated to produce—a state of prohibition at one time amounting to a famine price, and then a permission for corn to come into the country in unlimited quantities, and to interfere with our agriculture, let the promise of the next harvest be as plentiful as it might! If there was any part of his political life which gave him particular pleasure in the retrospect, it was his steady opposition to the Corn-laws. He was not sanguine enough to suppose that the House would follow him in supporting, during the present session, the measure which it conceived right and expedient in the last, or he would take the sense of the House on the change which existed between the propositions of the last and of the present year—not with a view of preventing the question from coming to an adjustment, nor of embarrassing the government, but to substitute for the present resolutions, those which ministers had deemed so advisable last session, and which they gave no reason for not adopting in the present. In this situation he would leave the question for the present, hoping that the House would support the view of it which he had just taken, and not being quite certain whether he might not, in the course of the discussion, take their opinion once more upon the resolutions which the House had carried by so large a majority, when they were proposed by the late Mr. Canning.

Mr. *Robinson* said, he had heard with unmixed satisfaction the manly speech of his hon. friend. As he himself entertained similar sentiments, he had been induced to give notice, that he would afford the House an opportunity of dividing upon the resolutions proposed by Mr. Canning last year. He hoped that his hon. friend, who was so much more competent to the task, would take it up himself, and bring it forward with his usual ability. He should feel great gratification in transferring to his hon. friend's shoulders the task which he had intended to impose upon himself.

Mr. *Calcraft* said, he felt flattered by the transfer of this duty to him, and accepted the trust.

Mr. *Stanley* concurred entirely with the hon. member for Wareham, that there was very great convenience in taking a discussion on this subject on the question that the Speaker do leave the chair. It afforded an admirable opportunity of obtaining the opinions of different parts of the country, as expressed by their representatives, on the different plans which might be suggested. It appeared to him that this was the object with which, before the recess, three different sets of resolutions had been offered to the House; and the present was the first opportunity of which the House could avail itself, to examine and discuss them, and to see how far each interest could concede on each point to the other. He had not as yet learned why the House of Commons was, in the present session, to recede from the path which it had chalked out for itself in the last. There might be reasons of policy and expediency why gentlemen, holding responsible situations, might make concessions to their colleagues on points of national importance; but those reasons were no grounds for that House, nor for individual members bound by no ties, except those of conscience and equity, to alter the vote to which they had deliberately come in the last session. He had heard much in the course of the session, not only of the expediency of gentlemen yielding up their opinions to their colleagues, but also of the House yielding up its deliberate vote to the other House of Parliament. The argument might be very convenient for official personages, but ought to have no weight with a British House of Commons. The House of Commons ought to send every measure up to the House of Lords in the shape which it deemed most advantageous to the public: it was for the House of Lords to suggest any amendments which it deemed expedient upon such measure; and then it was for the House of Commons to decide whether they would deviate from the line on which they had first proceeded, in order to pass a particular measure, rather than no measure at all, upon any particular subject. That, he apprehended, was the constitutional course for the House of Commons to adopt, and that was the course which he himself would rigidly adhere to. Without entering into the detail of the points in which the resolutions of this year differ from those of the last, he would hazard one or two remarks on the principle upon which the bill professed to be founded. There were many gentlemen who were of opinion that it would be more for the interest of the agriculturist that there should be one price fixed under which foreign corn might always be imported—that the agriculturist should take the advantage of good and bad times, like dealers in every other kind of produce—and that he should only be subject to the inconvenience of the home-market, leaving that to be corrected by the foreign market, as occasion might require. But if he was not entirely mistaken in the view which he had taken of this subject, the great point was, to secure the corn market from all excessive fluctuations; and that was the very point in which the present bill was notoriously and palpably deficient. He was sorry to use such a word, for he had a great respect for the right hon. gentleman who had framed this bill, but he must, nevertheless, designate it by the title of a disingenuous bill. He must say, that when it was held out to the agricultural interest as a premium on the bill which had been proposed last year, it was the most palpable fallacy that was ever attempted to be palmed upon a House of Commons. True it was, that at a certain price it afforded greater protection to the agricultural interest; but it was exactly at that price to which corn had never arrived in the last year, and to which he did not expect that it would ever arrive again. He was desirous that corn should be had at a low rate; but he was still more desirous that it should be had at a fixed and definite rate, and that it should not be exposed to those rapid fluctuations which were equally ruinous to the consumer and the producer. Up to 58*s*. there was less protection for the agricultural interest under the bill of this year, than there was under that of the last; and so far it was favourable to those who stickled for low prices. The great fault, however, of the present bill was, that we had prohibition when we did not want it, and protection when we needed it least; for it gave protection under high, and withdrew it under low, prices. The bill of last year proceeded upon a straight-forward, consistent, and intelligible, principle: the bill of this year proceeded on no other than an *ad captandum* principle, seeking to conciliate one side by the offer of low, and the other by the offer of high, prices, and making them both liable to the danger of fluctuating prices. On these principles, he should support the motion which the hon. member for Wareham intended to submit, at some future opportunity, to the House. If brought forward as an amendment to the present bill, he should certainly support the resolutions which Mr. Canning had proposed in the last session, and which were then carried by acclamation—at least by an overwhelming majority. The sense of the House of Commons was expressed most decidedly in favour of Mr. Canning's bill. He had as yet seen no just ground for departing from it. It was founded on a clear and intelligible principle, on which, though it might not be satisfactory to all parties, all parties could at least meet without collision. There were not, however, any two parties who could meet on this bill, and say, that there was a price settled in it, in the propriety of which they both concurred. The hon. member for Dorsetshire had expressed his desire to support the bill of last year, as far as it extended to the low scale of prices. He (Mr. Stanley) hoped that the agricultural interest would agree with the view which he and his friends had taken of this part of the question, and would consent to admit both the ascending and descending scale of duties fixed by Mr. Canning.

Sir *E. Knatchbull* said, he had heard with astonishment the assertion that the bill of last year was carried by acclamation. Did gentlemen recollect, that the hon. member for Dorsetshire proposed last year an amendment similar to the present resolutions and that it was supported by no less than 170 members? He contended, that, had it not been for the monstrous coalition which had then taken place, the majority would have been the other way. He would ask gentlemen to recollect what had been the effect of it out of doors. For his own part, he had not met with any person connected with the agricultural interest who approved of it. He believed ministers were fully justified in making the addition which they had done to the scale of duties. What had been the avowed object of Mr. Canning? To make the price of corn oscillate in future, between 55*s*. and 60*s*. Now, the price of corn during the last year had been only 54*s*.; and it was the knowledge of that fact that induced him to give his support to the additional duties proposed.

Mr. *Fergusson* trusted, that the hon. member for Dorsetshire would not press his amendment to a division. He did not see how any member could object to the Speaker's leaving the Chair, unless he was satisfied with the present state of the Corn-laws. When the bill of last year was under discussion, he had voted in favour of the proposition made by the hon. member for Dorsetshire for fixing the price at 64*s*. He must confess that if the resolutions now on the table were adopted *in toto*, he should reluctantly give them his support; but he would give his support to discussing them in the committee, if the price were fixed at 62*s*. There was the same duty, by the bill of this year at 66*s*., as there had been by the bill of last year at 62*s*. That being the case, he was willing to adopt the resolutions which fixed the price at the same point as that at which the hon. member for Dorsetshire had fixed it by his amendment of last session; but he should object to them when that part came under consideration which took away protection when it was most wanted, and inflicted prohibition when it was altogether unnecessary.

Mr. Secretary *Peel* said:—I simply object to this discussion, because I cannot see what object it can answer. If there were a general feeling in favour of an adherence to the present law, I could understand why arguments should be introduced against the proposal that the Speaker should leave the Chair; but when I hear the hon. member for Wareham talk of the existing Corn-laws as the most pernicious code that ever had existence—and when I find him resting his claim to public confidence on his almost unsupported opposition to it, I cannot discover the principle on which he and others object to go into a committee, by which that most pernicious code is to be amended. Every hon. member who has spoken has expressed his general concurrence in the principle of the new law. In the name of God, then, why are we not to go into the committee, that we may consider the details? The hon. members for Worcester and Wareham have given notice of their joint amendment; and that amendment cannot be moved but in the committee. At least, we have three distinct sets of resolutions before us; but the hon. member for Preston has given, as a reason for not approaching the subject, that the resolutions of the present session are not the same as those of last year. This mode of argument seems to me strange indeed in a deliberative body. After the interval of a year—after the experience of what has passed in that year—and after the additional information we have obtained, is it to be said that this House is bound by some fanciful sense of honour and consistency to adhere to its previous resolutions. True it is, the bill of this House did not pass elsewhere. It is a delicate subject to allude to the conduct of the other branch of the legislature, and certainly nothing can be more unwise than to ask the House of Commons to assent to what it thinks wrong, because the House of Lords refuses to do what is right. But, speaking not theoretically, but practically, there may be limits to the strictness with which the House will adhere to its own decisions. If we, on our part, are bound never to deviate, under any circumstances, from our previous decisions, it is a good rule also for the other branch of the legislature. On matters touching the privileges of the House, it may be very right not to give way, but the feelings and interests of the country on general questions may require the adoption of a middle course. If both branches are determined not to yield; there can be no accommodation—no approximation; and while we adhere to the price of 60*s*., the Lords will perservere in the warehousing clause, and years may elapse before a permanent settlement is effected. As to the opinion of the country on the resolutions of my right hon. friend, though I believe there was a more general concurrence in the measure of last year, than, under all the circumstances, could have been expected. I am satisfied that this measure is at least as palatable. Certainly, when it is said that the project of last year passed by acclamation, it never can be forgotten that the proposition for adopting the price of 64*s*. was supported by 168 members, who, in point of consistency, are now precluded from taking any other course than giving the present proposition their cordial approbation.

Lord *Althorp* said, that this preliminary discussion had not been useless, as it clearly showed that the bill of last year was preferable to the present. The scale of the former was, to affix high duties when the price of corn was low; but the present varied entirely from that principle; for when the price was low the duty was to be reduced, and to be raised when it was high. When the price was low, then, where was the protection?

The House having resolved itself into the committee,

Mr. G. *Heathcote* said, that though he wished to state some objections to the scale of duty, yet, at that late hour, he would content himself with moving, "That the Chairman should report progress, and ask leave to sit again." The lower part of the scale should be amended, and the upper was not necessary. The agriculturists were suffering severely, and some effective protection should be given them.

Mr. *Huskisson* thought, that after the discussion which had taken place, and the three weeks notice already given, the bulk of the committee were prepared to discuss the question, though the hon. member might not be in a similar condition. So serious a subject ought therefore to be proceeded upon without further loss of time.

Mr. *Hobhouse* said, that as yet the House was ignorant of the cause of the change from the bill of last year. He agreed with the hon. member for Wareham, that it was their duty to ascertain why this change had taken place in the opinions of his majesty's ministers. He had listened to the President of the Board of Trade, with attention, but that right hon. gentleman had stated no reasons for the change. So far from doing so, it was manifest, that, as far as his feelings could be collected from what he had said, he was almost ashamed to bring forward the measure.

Mr. *Calcraft* said, he was ready to go into the discussion, even though the hour was so late: at the same time, he must regret the way in which they had spent three or four hours of the earlier part of the evening. He thought it was incumbent upon the government to explain why they had departed from the resolutions of last year. For his own part, he was quite ready to confess, that it did not follow, because at one time one thing was done, that it ought to be repeated at another: still, an explanation was due, and ought not to be withheld. For the purpose of bringing the two scales of duty into full consideration, he would introduce, in the shape of an amendment to the present resolutions, the rates fixed in the proceeding of last year. The hon. member then moved as an amendment the adoption of Mr. Canning's scale of resolutions of the last year.

Mr. *Robinson* seconded the amendment.

Mr. *Benett* said, he was placed in rather a difficult situation. While he preferred the bill of last year to the present awkward measure, which conferred protection where it was not wanted, and gave no protection where it was required, he was of opinion that the bill of last session stood in need of some amendment, and it was his intention to propose an amendment of it. If it was understood, that he should be at liberty hereafter to propose the amendment of which he had spoken, he should, in that case, support the proposition of the hon. member for Wareham. It was asserted, that this was a measure which would prove palatable to all interests in the empire. The truth was, that the measure was not as yet understood in the country. So much confusion had arisen by the mixing up of the measure of last year with the measure of this year, that no person had as yet been able to understand the proposition of ministers. If a little more time was given, perhaps it might become intelligible. From 52*s*. to 64*s*. there was no difference; but after 64*s*. the ascending scale of duty was higher in the present measure than in that proposed last session. The bill of last year was far preferable, as a protection to the agricultural interests, to the present measure.

Sir *G. Philips* inquired what were the grounds upon which the right hon. gentleman opposite adopted the present measure, in preference to that which he had supported and recommended in the last session?

Mr. Secretary *Huskisson* said, his majesty's ministers had been placed in rather a difficult dilemma on this occasion. No sooner had the House formed itself into a committee, than up got an hon. member, who moved that they should report progress, and ask leave to sit again. That certainly was not the way to discuss this measure. The hon. member for Wareham, following that consistent and open course which he usually adopted, had already moved an amendment upon the resolutions proposed to the House. The hon. member for Wiltshire had stated his intention to propose an amendment upon the resolutions of last year. Under these circumstances, he had been desirous to hear the various objections which gentlemen had to urge to the resolutions before the committee, before he stated his reasons for supporting them. However, as he had been thus called upon, he was perfectly ready, at this stage of the debate, to address the committee. Before he did so, he should advert to one observation which had fallen from the hon. member for Wareham. That hon. member had stated that, by the present measure, the pivot in the scale of duty had been changed from 60*s*. to 64*s*.; and this he objected to as a great change from the measure of last year. Now, he would maintain that the pivot had not been changed at all. If he understood what was meant by the pivot, it was that point in the scale at which on one side the duty ascended, and on the other descended—it was the level where the ascending and descending duties met. The pivot in the bill of last year was fixed at 60*s*. the Winchester, and at 62*s*. the Imperial, measure. In the present resolutions, the same level was taken, and at 62*s*. the Imperial, and at 60*s*. the Winchester measure, the scale ascended on the one side, and descended on the other. The difference between the two measures arose not as to the pivot fixed upon as affording a sufficient protection to British agriculture, by the imposition of a certain duty when the price of corn ascended above that point, and diminishing the duty when the price of corn fell below it: the point which had been agreed to last year by parliament as affording a sufficient protection to British agriculture, was still preserved; but the question now was, whether the scale which had been last year adapted to that point afforded a sufficient protection. In the statement made by his lamented friend last year, he wished to give an efficient protection to the British corn-grower up to 60*s.* the Winchester, and 62*s.* the Imperial, measure. With that view, his lamented friend prepared a scale of duties, which remained stationary between 60*s.* and 64*s.* the Winchester measure, and 62*s.* and 66*s.* the Imperial measure, and which were increased or diminished as the price of corn rose or fell above this standard. The scale then proposed was considered adequate for the purpose. The question now before the House was, not to change the price at which that scale had been fixed, but whether the protection thereby afforded was a sufficient protection to the British corn-grower. In deciding that question, they should look at what had happened since the bill of last year. They would find that a quantity of corn, amounting to five hundred thousand quarters, had been admitted into the market. Without adverting even to the circumstances under which this corn had been admitted, when they found that such a quantity as five hundred thousand quarters had been admitted in one month, it must appear evident that the scale of duties proposed in the bill of last year did not afford a sufficient protection to the agricultural interest: in fact, that protection which was contemplated by the bill of Mr. Canning on the last occasion when his lamented friend addressed the House upon this subject. On that occasion, when introducing the temporary bill, after the intended permanent measure had been thrown out in the other House of parliament, he distinctly stated, that it was a measure to be tried by the test of experience, and that in the next session they would be enabled to judge, from the working of it, whether it was calculated to afford the desired protection to the agricultural interest. To the duties imposed by that bill, he would apply the test of experience; and if he found that the importation of foreign corn was not sufficiently checked by them, he was at liberty to support a measure which went to alter that scale of duties. He acted upon the suggestion of his right hon. and lamented friend, and taking the test of experience as his guide, he felt himself bound to support an amendment of the bill of last session. The principle of lord Liverpool and that which was laid down by his right hon. friend last session was, that up to 60*s.* there should be a sufficient protection to the British corn-grower—that between 60*s.* and 64*s.* Winchester measure, foreign corn ought to be admitted. The principle, then, with regard to the scale of duties, was so to arrange it that a sufficient check should be imposed upon the importation of foreign corn, until the price of corn rose to 60*s.* Winchester measure; that between 60*s.* and 65*s.* its importation should be allowed, but subject to such a check as would prevent it from coming in such quantities as materially to affect the market: and when the price rose to 65*s.*, the object of the plan was to impose duties sufficient to prevent foreign corn from being imported in large and overwhelming quantities. Now, on referring to what occurred last year, they would find that five hundred thousand quarters of foreign wheat were in warehouse when the bill of last session passed. In consequence of an early and an abundant harvest, the price of corn fell; and this so affected the bonders of foreign corn, that they were anxious to pay the duty then, lest they should have a still higher duty to pay. Accordingly, the quantity of foreign corn which he had already mentioned was taken out of bond; and it was evident that, under the bill of last session, a similar influx of foreign corn might occur, so as to oppress the British corn-grower. The first object, then, of the government was to remedy that defect in the bill of last year, and to afford a sufficient protection when the price of corn was from 60*s.* to 65*s.* That object, they conceived, would be effected by adding 4*s.* to the duty proposed last year, when the price of corn should be at 62*s.* Other corresponding changes had been made in the ascending and descending scale of duties, which appeared to them calculated to remedy the defects of the bill of last year. The hon. member for Wareham seemed to think that the duties did not afford sufficient protection when the price of corn was low, but he was surprised that the hon. member for Preston should characterize the conduct of government on this question as disingenuous. The hon. member had advanced the charge upon the ground that the proposed resolutions did not afford protection where it was wanted, but where it was not wanted; namely, when the prices of corn were high. The duties when corn was between 58*s*. and 59*s*. were as high as was intended in the last bill. When corn was 58*s*. and up to 59*s*. the intended duty would amount to 28*s*. 8*d*. Did the hon. member imagine that foreign corn would be imported under that duty when corn was at 58*s*.? He should be glad to know from what part of the world it would come. Notwithstanding the circumstances which, during the last year, tended to encourage the importation of foreign corn, yet when the price was at 58*s*., the duty, under the bill of last session, prevented, though it did not altogether exclude, the importation of foreign corn. Notwithstanding the fall in the price of corn, and the alarm thus created in the minds of the holders of foreign corn, when the duty was at 28*s*. 8*d*., what was the fearful quantity of foreign corn taken out of bond? Only two hundred and seventy-seven quarters: when the duty was at 30*s*., four hundred and twenty-six quarters were taken out: when at 32*s*., one hundred and six quarters were taken out; when at 34*s*., one hundred and one quarters; when at 36*s*., fifty-three quarters; at 38*s*., sixty-one quarters: and when the duty was at 40*s*., four quarters were taken out in one week, fifty-two in another, twenty in another, and two in another; altogether about one thousand quarters were taken out during an entire quarter of a year. A great portion of these dribblings was ordered to be sold out by the foreign merchants even at a loss, as it would not pay for the rent of the warehouses. It was plain, then, that the duty of 28*s*. 8*d*., when corn was from 58*s*. to 59*s*., amounted nearly to a prohibition duty. Last autumn, indeed, when the holders of foreign corn became alarmed by the fall in price, about five hundred thousand quarters were taken. Government had, therefore, made out, from the experience of last year—from the reports which had been received from foreign countries, and from the evidence taken before the House of Lords—that, by the imposition of a duty of 28*s*. 8*d*. when corn was at 58*s*., there was no risk of any quantity of foreign corn being imported into this country.—It should be recollected that the importer of foreign corn would, in addition to that duty, have to defray the price for which the corn was bought, the price of freight and warehousing, and various other charges, before he could reckon upon any profit. The freest and most open corn market on the continent was that of Rotterdam. It received the corn of Germany by canal navigation, and that of the north of Europe by steam navigation. Now it has been ascertained, from a comparison of the prices of corn there during the last seven years, that 28*s*. 8*d*. duty, when corn here was at 58*s*., would afford an adequate protection to the British corn-grower. He had applied the test of experience to the two scales, that of last year and the present one, and he preferred that which was now proposed. The scale under the present bill was calculated to afford a better protection to the agriculturist. Though he, as well as others, had agreed to the measure of last year, he could not think it safe to continue it, as it had not proved adequate to the intended object. He repeated, that he supported the present bill because it would afford a more efficient protection. When the price of corn was from 60*s*. to 65*s*., under the proposed duty, the importation of foreign corn would be checked: when the price was above 65*s*. the corn from our colonies would come in free; and when the prices were higher, the duties would operate to prevent the importation of an overwhelming quantity of foreign corn.—The hon. gentleman opposite had spoken in favour of a fixed duty. Abstractedly, that might look well enough; but when they regarded the circumstances of the country and the wants of the people, they would see the impossibility of adopting such a principle. If a high permanent duty were imposed, then, in periods of scarcity, the poor would be exposed to miseries, the infliction of which no claims for protection on the part of the home corn-grower could ever justify. For the advantages, then, which the grower foregoes when corn is high, by the admission of foreign grain, he receives compensation by the imposition of a high rate of duties when corn is at a low price. He receives in fact only that remuneration to which he is justly entitled. When legislating upon this subject they were bound to look to the different and varying circumstances of the country, and to the wants and necessities of its inhabitants. A permanent fixed duty was therefore out of the question. The principle of the present bill was the same as that of the bill of last year; and it afforded a more effectual protection to the British corn-grower. That principle had been laid down by Mr. Canning last year; it was contained in the memorandum of lord Liverpool; and he could support it from documents in his possession. In the year 1804, a duty of 24*s.* 3*d.* was imposed, when corn rose to 63*s.* Winchester measure. That was, then, to the grower as effectual a protection, up to that price, as the present duty would be. For these and various other reasons, he would support the resolutions before the committee.

Mr. *Stanley* said, he had yet to learn the reasons which had induced the right hon. gentleman to prefer the present bill to that of last session. He was certainly inclined to the opinion of those who abstractedly supported a fixed permanent duty. But feeling that it was impracticable to carry such a measure, he felt that the next best plan would be to adopt such a scale of duties as would keep the price of corn as low as possible, at the same time giving to the agriculturist a fair profit. Still adhering to that principle, he conceived the scale of last year to be much better than that now proposed. It was said that this measure would bring high prices to the agriculturists and procure cheap corn for the poor; neither of which objects it was likely to effect. As compared with the bill of last year, the proposition now made gave little or no protection to the agriculturist, while it was so framed as not to confer any benefit, by a reduction of price, on the poor. He wished to have it distinctly ascertained what the object of the bill was; for he believed that, up to this moment, the intention of ministers with reference to the measure was not understood.

Mr. *Huskisson* said, the object and principle of the present measure were precisely the same as the object and principle of that of last year. The bill of last year afforded protection up to 60*s.*: a greater degree of protection from 60*s.* to 64*s.* was given by the present proposition. The object was to give protection up to a certain point, and to exclude the introduction of foreign corn as much as possible.

Mr. *Baring* observed, that this was a most important question, whether taken with reference to our agricultural, manufacturing, or commercial interests; and he was glad to find that it was this year discussed without any mixture of party or political feeling, which unfortunately was not the case in the last session. He could not, he confessed, discover how the object stated by the right hon. Secretary could be obtained by this measure. The objection started by his noble friend in the outset of the debate, rendered it superfluous for him to say much on the subject. It appeared, according to this scale, that when prices were low, protection would be diminished, and when prices were high, that it would be increased. Such a system could not be useful to the agriculturist, and must be oppressive to the country. In his opinion, the settlement of a question of this kind did not depend merely on the rate of price, but must be guided by a variety of circumstances; because the corn trade, like every other trade, might be, and frequently was, affected by gambling speculations. The calculation for this country was, that every third or fourth year there would be a deficient harvest. Hence speculations, which constantly affected the price, took place. In a year of deficiency, when prices were high, a speculator would make a large profit; and if, when the prices were low, he lost twenty or twenty-five per cent, he could afford it, because he was sure to be repaid in a year or two; in the same manner as smugglers saved themselves if they were able to save one cargo out of three. Individuals would thus speculate in corn; and if a deficient harvest did not enable them to procure high prices, they would put up with a loss in getting rid of their cargoes, and look forward to better success on some future occasion. In ordinary years, therefore, the duty which was set down in this scale was not so much a prohibitory duty as the right hon. Secretary seemed to suppose. On the other hand, when he said that this measure, when corn arrived at 64*s.* or 65*s.*, would encourage importation, did not every one perceive that such importation would not be allowed until there was an incipient scarcity—the very thing that ought to be prevented? In point of fact, the measure in this respect held out a seeming protection to the agriculturist, which no gentleman could wish to have; for before corn arrived at so high a price, it would be impossible for the people to purchase it. No person could conceive wheat selling at the rate of 65*s.* in this country, without knowing that a great extremity of distress must prevail, and that consequently to impose a duty of 20*s.* on the importation of that article was unjust. He professed that, whether he looked to the one interest or the other,—to the agriculturist or the manufacturer,—he considered the bill of last year was better for both. The measure of last year was an equitable adjustment between the parties interested; but, notwithstanding the explanation of the right hon. Secretary, he conceived the new measure to vary considerably from that equitable system. It was dangerous, because it was calculated to keep up very high prices; and it afforded a degree of protection which the greediest desirer of protection could never wish for—an extent of protection that must defeat itself.—He thought it was right that they should come to some early resolution on this subject, and therefore, in discussing it, they ought to abstain from those general topics which had for years been introduced, and with which the House was familiar. It would be better to take a dispassionate view of the different plans presented to their notice, rather than to enter into the larger field of speculative reasoning. Much had been said about the price of growing corn on the continent. But, for his own part, he thought it was useless to send persons hunting all over Europe to ascertain this point, when all that was necessary to be known could be learned from persons at their own door. And after all, the calculations made by those inquirers, who travelled into the different corn countries, were generally fallacious, and could not lead them to a just decision. It was said that some great lights had been shed on this subject by the inquiry before the Lords. He must be excused if he doubted the fact. The experiment of last year was altogether inconclusive; for in that case grain was brought in under the excitation created by the Corn-bill; and whether at a gain or a loss, was no argument, with reference to the general question. The present proposition he could not help thinking was very unfortunate; since it gave the agriculturists no real protection where they wanted it, and it exposed them to great obloquy by giving them the appearance of a protection which they did not call for. He treated this question as a question of policy; not caring one straw how it operated on individuals. He would, on the one side, give that protection to the population of the country which was most desirable, and, on the other, he would give a just protection to the agricultural interest. He had never said that no protection should be granted to that body, and could easily perceive the loss of property and fortune that must be attendant on the withdrawal of a fair protection. On this question of protection, he would be quite ready to give to the agricultural interest the full amount, which persons most anxious for the welfare of that interest, could desire; even supposing them to consider no interest but their own. This he would willingly concede, provided the individuals calling for protection decided on sound and fair principles. The present proposition, however, professed to do a great deal more; but, in reality, would not afford them a just protection.

Sir *G. Philips* expressed his belief, that the explanation of the right hon. Secretary for the Colonies, with reference to the deviation from Mr. Canning's bill of last year, had not given satisfaction to any member of the House. He contended, that by looking at the population returns, and comparing the number of those engaged in agricultural pursuits with that of the classes who were differently employed, it would be found that they had sacrificed two-thirds of the population to benefit the landed interests. This system he conceived to be most objectionable; and it was attempted to be carried to a greater extent than formerly by this measure. He could not conceive, from any thing that had fallen from the right hon. Secretary, what had induced him to depart from the scale of duties of last year.—The hon. baronet then entered into a calculation to show, that when wheat was 50*s.* a quarter at Dantzic, which would be about the price there when it was 65*s.* here, it could not be imported, including 12*s.* per quarter for freight, and 21*s.* 8*d.* duty, under 83*s.* 8*d.* per quarter, which, he contended, was equivalent to a prohibition. The bill, therefore, deluded the people on the one hand, because it went only to admit foreign corn when the home prices were low; and it deluded the agriculturists on the other, because it pretended to secure them high prices by protecting duties, when the imposition and collection of such duties would, in fact, be impossible. The consequence would be, that the people would obtain no relief when the prices where high, but corn would be retained in the warehouses until it could be let out at the price of 72*s.*, and then the country would be deluged with it. The further the House departed from the principle of free trade, the greater would be the mischief they would produce to the country. Our commerce had already suffered much from the neglect of that principle, and no one had so ably shown the evils of a prohibitory system, as the right hon. gentleman who now stood forward as its advocate.

Mr. *Portman* said, he agreed with the right hon. gentleman as to the duty now proposed; for when the price was at 60*s.* he found, by the returns, that the former duty had not afforded a sufficient protection to the agriculturists. When the price was above that sum, he was not prepared to say that some alteration might not be made without injury to the landed interest.

The Committee then divided: For the Resolutions 202; For the Amendment 58; Majority 144.

HOUSE OF LORDS.

Thursday, April 24.

Corporation and Test Acts Repeal Bill.] Lord Holland moved the order of the day for receiving the report of the committee on this bill.

The Earl of *Eldon* said, he had some amendments to move, to which he wished to call the attention of the House. The first clause of the bill, as it now stood, would go to repeal the act of Charles 2nd; to which he could not consent. He was also bound to say, that he had received some information with regard to the second clause of the bill. In his apprehension, the second clause, as it was now worded, though he was conscientiously satisfied that it was not intended to be adopted in the construction it would bear, was worded in the most artful manner possible. The second clause was stated to be, and undoubtedly was, introduced from those bills, which had been brought into parliament for the relief of the Roman Catholics. The recital, as far as it went, was correct, but it left out the most essential part of the bill from which it was borrowed. The original passages as it stood in the Act of Union was in these words:—"Whereas, it is reasonable and necessary, that the true Protestant religion professed and established by law in the Church of England, and the doctrine, worship, discipline, and government, thereof, should be effectually and unalterably secured." The difference between this clause and the preamble of the present bill was, that the former stated, that the "true Protestant religion, professed and established by law in the Church of England, and the doctrine, worship, discipline, and government, of that Church should be effectually and unalterably secured," but the present bill left out any provision regarding the Protestant religion; what he proposed, therefore, was, to make the bill avow, that the Protestant religion "as professed and established by law in the Church of England, was as inviolably established as the doctrine, worship, discipline, and government, of that Church itself." The Act of Union stipulated also, that "the Acts of parliament now in force for the establishment and preservation of the Church of England shall remain and be in full force for ever." The Test and Corporation acts were then in existence, and it seemed that a very different opinion was then held as to their necessity. It was his intention in making this proposition, to put upon record in their lordships' Journals, that there were some individuals who were desirous that these Acts should still be preserved. He agreed, on the one hand, that their lordships should not, on account of any apprehension they might have respecting the Roman Catholic claims, refuse to give relief to the Dissenters; but, on the other hand, he trusted that whatever they did, while they took care not to prejudice the Roman Catholics, the bill would leave that question exactly as it was before. The learned lord concluded by moving the insertion of the following words: "And whereas the true Protestant religion, as professed and established by law in the united Church of England and Ireland, and the doctrine, worship, discipline, and government, thereof, should be effectually and unalterably secured; and whereas the true Protestant religion, as professed and established by law in the Church of Scotland, with the doctrine, worship, discipline, and government thereof, should be effectually and unalterably secured, all the Acts of Parliament for the establishment and preservation of the said Churches in force at the time of the union with Scotland, are hereby declared to be in full force for ever."

The Earl of *Clarendon* said, he could not but look at this amendment with some degree of caution, as he was entitled to do, after the learned lord had professed his intention of opposing, and, if possible, of defeating, the bill. As a means of accomplishing his object, the learned lord proposed an alteration, which in effect amounted to this—that no statute relative to the Roman Catholics should be altered, but that they should remain invariably the law of the land. If, therefore, any of the various acts had been passed for the relief of the Catholics, or a clause to this effect had been introduced into any bill, parliament would have bound itself not to pass them. The effect of this clause would be, therefore, greatly to prejudice the cause of the Roman Catholics.

The Duke of *Wellington* was of opinion, that if the proposition of his noble and learned friend did not refer to the Catholics, it would be of no use whatever. If his noble friend intended also to propose an alteration in the Declaration to the same effect, he must oppose it. He had stated that it was not his intention, in giving his support to this bill, to pledge himself to any step, either on one side or the other, as to the Catholic question. His opinions on that subject remained exactly as they were. His object in giving his assent to this measure was simply to do away with the Sacramental Test as a qualification for office. He went no further than that. The proposed amendment would not make the smallest alteration in the bill for any good purpose, and therefore he could not agree to it.

The Earl of *Eldon* saw no reason why the word "Protestant" could not be introduced, with respect to corporations in England. All he meant was, that any man about to be introduced into a corporation in England, should first declare himself to be a Protestant. He knew that the object of the present bill was neither to prejudice nor assist the views of the Roman Catholics: but he would say, that if it passed in its present shape, parliament would have gone a great way in promoting the views of the Catholics. His only object in proposing this amendment was to prevent persons of that persuasion from gaining admission into corporations.

The Earl of *Falmouth* expressed his perfect concurrence in the sentiments of the noble and learned lord who had so long stood up in defence of the Church. The Sacramental Test was the only provision that excluded Roman Catholics from corporations; and corporations, their lordships knew, were the door to parliament.

The Earl of *Harewood* begged the House to reflect on the step they were about to take. The Dissenters had petitioned for relief, and he understood that they had united themselves with the Roman Catholics [No, no]. It appeared so, he thought, from the petitions on the table. He could see no objection to the introduction of the words proposed by his noble and learned friend: he did not see that they could in any way do injury to the Dissenters, who were all Protestants. What would the country think of the intentions of parliament, if this amendment should be rejected?

The Bishop of *Chester* said, that every person, on becoming the member of a corporation, was obliged to subscribe the Declaration against Transubstantiation, and take the Oath of Supremacy. He did not see, therefore, if this bill passed without the learned lord's amendment, how the Catholics would be a single step nearer their object. With respect to himself, and his right rev. brethren, the only question appeared to be, whether there was security for the Established Church. The Dissenters offered security which was considered sufficient, and then their exclusion became indefensible. But it was a different question with regard to the Catholics, as they could give no sufficient security. They could not be admitted to office without involving danger to the Protestant Church. If they could offer adequate security, the question of their exclusion would be at an end. The decision of this question, therefore, could not involve the decision of the Roman Catholic question.

The Duke of *Newcastle* entreated their lordships not to suffer this bill to pass without introducing the word "Protestant" into the Declaration, as proposed by the noble and learned earl.

The Bishop of *Llandaff* said, that while the learned lord professed a wish to leave the Roman Catholic question on open ground, the object of his amendment seemed to be to affect that question.

The Duke of *Wellington* said, that the Declaration, as proposed to be amended by the learned earl, would affect officers in the army and navy, some of whom must be in this country, and many of whom, it was well known, were members of the Roman Catholic religion. Now, as the amendment of the noble earl would have the effect of excluding them, he must oppose it. He contended, that it was not the object of the framers of this bill to introduce Roman Catholics into corporations in England. In Ireland they were already eligible.

The *Lord Chancellor* thought, that the word "Protestant" ought to be introduced into this Declaration, in order to leave the Catholic question clear and unprejudiced, when it came on for discussion. As he understood the law at present, it was not necessary, in order to be admitted a member of a corporation, to take the Oath of Supremacy; it was only required to do so on becoming a member of its government, such as mayor, bailiff, common-councilman, &c. Now, if it were not necessary to take that Oath, the consequence of this bill would be, that there would be no obstruction to a Roman Catholic becoming an individual member of any corporation. What he understood from his learned friend was, that his amendment was only intended to refer to the Declaration to be taken on becoming a member of a corporation; and he thought the House ought to adopt it, in order to guard against taking any step affecting the other question.

The Earl of *Eldon* said, that all they would do, if they agreed to his amendment, would be to exclude Roman Catholics from corporations. Their lordships ought not to have this act so expressed that persons might hereafter say that it operated in furthering the views of the Roman Catholics. He did not now ask their lordships, although he wished them to do so, to carry this amendment to the other clauses of the bill. All he now said was—let them take care not to open the corporations in England to the Roman Catholics; for he repeated, that a mayor or an alderman was not, as such, necessarily a justice of the peace. As the law now stood, the merely taking the Oaths of Supremacy and Allegiance, without the Declaration against Transubstantiation, was not sufficient to render an individual eligible to enter into a corporation, or to take office in this country. The present measure, however, worded as it was, did not require that Declaration; and persons who only took the Oaths of Supremacy and Allegiance, omitting the Declaration against Transubstantiation, might be placed in official situations. Day after day, Dissenters were acting in such situations, under the sanction of acts of Indemnity. Those acts were not, in fact, passed merely for indemnifying persons because they had not taken the Oaths of Supremacy and Allegiance, but because they had not taken the oath relative to Transubstantiation. Now, so sure as he existed they would not have to pass one bill of Indemnity less than they now were called on to pass, with reference to admission into corporations, if they did not take care so to alter the bill as that Roman Catholics should not be admitted into those bodies. No Declaration, unless it contained such a provision as he meant to propose, would give that species of security, which, in his opinion, they had a right to have embodied in this bill. Such was his opinion, and to that opinion he would adhere, although it might be opposed by all the ability of the most powerful members of that House.

The Bishop of *Bath and Wells* said, he entertained so high an opinion of the authority of the noble and learned lord, that he felt called upon to vote for his amendment.

Lord *Holland* said:—As far as I have been able to collect, there is one point on which we are all agreed, namely, that the words of this bill should be such as neither to prejudice nor promote the Catholic question—"Therefore," says the learned lord, "adopt my amendment," Therefore, I reply, reject that amendment. If I can show, either that the amendment is actually unnecessary and ineffectual, or if it have any effect, that that effect will be to place the Roman Catholics in a worse situation than that which they at present occupy, I shall have said enough to satisfy even the learned lord, that his proposal ought not to be adopted. He states, that if the mayor or alderman of a borough are also justices of the peace, they are called upon not only to take the Oaths of Allegiance and Supremacy, but to sign the Declaration against Transubstantiation; but that if they are not also justices of the peace, the latter may be and is omitted; so that, according to the learned lord, they sign it in their capacity of justices of the peace, and not in their capacity of members of a corporation. I must bow, unquestionably, to such high legal authorities as the learned lord, and the occupant of the Woolsack, and, according to my opinion, it is true, as far as relates to the Corporation act; but by the other act, on which the Sacramental Test rests, and which enforces also the necessity of taking the Oaths of Allegiance and Supremacy, I was not, until now, quite sure that a candidate for office was compelled to sign the Declaration against Transubstantiation. I know that it has been ruled both ways in courts of law; but I was not aware that the point was so absolutely settled with reference, I mean, to that act, whose preamble contains the words, that the bill is passed "for quieting the minds of his majesty's subjects." Then one of two things must follow—either it does apply or it does not: if it does, under that act Roman Catholics are excluded; if it does not, of course, they may be admitted. The preambles to which the learned lord has alluded, speak of the doctrine, discipline, and government, of the respective Churches of England and Scotland; and it is asserted in them, that such doctrine, discipline, and government, by the laws of the realm, have been settled and established permanently and inviolably. Such is the Declaration of the preamble; but whether it is such a preamble as ought to have been adopted, is another question. The learned lord has thrown out an insinuation, that the framer of the particular clause must have felt that some particular advantage to the Roman Catholics might be drawn from it. Who was the framer of the clause? Perhaps it may not be very delicate to allude to the point; but I understand, that if there be one individual above all the rest of the world alive to the Protestant interests it is the person who framed this clause. The learned lord, however, seemed resolved to make a grand discovery—to find out some defect which nobody else could see—to have eyes where other folks are blind; and accordingly, taking the bill in hand, he took out, and carefully wiped, his largest magnifiers, and going minutely over every letter, nay, over every comma, he rejoiced, after a long and patient examination, to make out that the clause in question must have been conceived and brought forth with a design to favour the Roman Catholics. All I can say is, that if there be any thing in the bill, which either advances or retards the Catholic question, I am willing to strike it out; but when the learned lord talks of artifice, I cannot guess what sort of tests and securities he would have. Can there be a safer course than employing an individual to draw the clause, who was as strongly opposed to the Catholics as the learned lord himself? The effect may be what the learned lord contends; but that any artifice was used to accomplish it, is not very credible. The object of the learned lord, as far as I can collect it, is, that the whole of the preamble of the Act of Union shall be inserted in this bill; and, recollecting that he has spent so much of his laborious life in discussions on the constitution of the country in Church and State, and in declamations to prove that they are about to be subverted, the words of his amendment sound very dreadful indeed. But the real question is, what are the statutes and acts intended by the Act of Union? The learned lord tells us, that the Test-act is one of them, and he defies any man to say that it is not a statute for the establishment and preservation of the Church. He so considers it; but the question, give me leave to say, is not what he considers it; but what it was considered by the great men who were concerned in framing and passing the Act of Union. Did they think that the Test-act was for the establishment and preservation of the Church? I have learnt in the school of the noble lord himself, to attach prodigious importance to the preambles of statutes, and in the course of this very discussion he has displayed his usual learning and acuteness upon that subject. He professed himself shocked in the extreme at the jejuneness of the preamble as it once stood—"Whereas, it is expedient," and objected reasonably enough for a lawyer, that it was so short, clear, and direct. It gave him no opportunity for the display of his talents; and he therefore complained of it, as a sportsman does of a wood, because he could find no game in it—he found nothing to hunt—nothing upon which he could exercise his ingenuity; it was a preamble which presented no difficulties, and was addressed to the common sense of mankind. But I will apply the learned lord's own doctrine to the preamble of the Test-act. First, I assert, that the title and preamble of the bill not only do not say, that it is for the establishment and preservation of the Church, but they state something quite to the contrary; the object of the bill is declared to be "to prevent danger from popish recusants, and to quiet the minds of his majesty's subjects." Let me ask, too, is the learned lord so little read in the history of those times, as not to know, that the individuals who promoted the Union, were the very persons most anxious to repeal the Test-act? Is he not aware that the Whigs of that day wanted to get rid of the Test-act, or to do what was equivalent—to admit Protestant Dissenters within the pale of the Church? Therefore I have a right to maintain, that these recited acts are not what the learned lord describes them to be; namely, passed for the establishment and preservation of the Church. Neither in the preamble of the Act of Union, of which he is so fond, are they alluded to for that purpose. It was actually moved that they should be inserted in the Act of Union, and the motion was rejected; so that we may assert, that the opinion of parliament was against the opinion of the learned lord. But there are certain statutes mentioned in the Act of Union—two old statutes are introduced as acts for the establishment and preservation of the Church, and they are made perpetual.

Lord *Eldon*: Those two statutes "and other acts" are mentioned.

Lord *Holland*. It is true the words "and other acts" are used, but those acts are not specified; and, unless the learned lord, as a lawyer and an historian, can satisfy the House that those who passed the Test-act and the Union did consider it in that light, his whole argument falls to the ground, and is not worth a rush. He founds himself upon this:—"I will prove that the Test-act does establish and preserve the Church." That is the point at issue, and the learned lord must make it out not merely by quoting the Test-act or the Act of Union, but by sound argument. For these reasons I submit, that he has made out no case for the admission of his amendment; and I have no hesitation in saying, that it is clear to every man's understanding, not legally and technically, but practically, that if you pass this act with the amendment in this part of the bill, and in the Declaration— and if no Indemnity bill be hereafter passed, including an indemnity for not taking the Declaration, you place the Roman Catholics in a situation more disadvantageous than that in which they now stand. I appeal therefore to the candour of the enemies of the Roman Catholics whether they will, by a side-wind, and in an act of boon and indulgence to others, impose upon them a new and severe hardship? I am sure that their sense of justice and candour will prevent the infliction of this penalty, and I sit down perfectly satisfied that this House will not consent to change the preamble and the Declaration in the manner suggested by the learned lord.

The *Lord Chancellor* said, it did not appear to him that there was any thing in the preamble of the bill, or in the bill itself, that called for the amendment of his learned friend. He alluded to the introduction of the preamble to the Act of Union; and he thought it right to state this, because he felt disposed to concur with his learned friend on another point; namely, the introduction of the word "Protestant." The present question related solely to the Corporation act; and the matter to be considered was, whether it would not be necessary, at a future period, as his learned friend intended, to move that the word "Protestant" should be inserted in the provisions of this bill; and whether, if that were not done, Roman Catholics might not be placed in the government of corporations in this kingdom. By the Corporation act, persons who were admitted to have a share in the government of corporations were obliged to take the Oath of Supremacy and the Sacramental Test. Now, if they abrogated the Sacramental Test, all that such persons would have to take was the Oath of Supremacy. If, then, noble lords were of opinion, that the Oath of Supremacy was not alone sufficient, it followed, as a consequence, if they did not agree to the amendment at a future period, that Roman Catholics, if they took the Oath of Supremacy, might take situations in corporate bodies. The question was, whether the Oath of Supremacy alone was or was not a sufficient defence against the admission of Roman Catholics into corporations? His learned friend had, over and over again, stated, that it was not a sufficient defence. If that position were correct, then he would say, that, so far as related to applications for admission into corporations, it might be necessary to insert the word "Protestant," to guard against the possibility of the event to which he had referred.

Their lordships then divided upon the earl of Eldon's amendment; Contents 31; Not-Contents 71; Majority against the amendment 40. After a short conversation, the further consideration of the report was postponed till to-morrow.

PROTEST.] The following Protest against the introduction of the words "on the true faith of a Christian" in the Declaration, was entered on the Journals.

"Dissentient.

1. "Because—The introduction of the words 'upon the true faith of a Christian' implies an opinion in which I cannot conscientiously concur, namely, that a particular faith in matters of religion is necessary to the proper discharge of duties purely political or temporal.

2. "Because—It appears from two acts, the one passed in the 10th year of George 1st. cap. 4, and the other in the 15th year of George 2nd. cap. 7, that the words 'upon the faith of a Christian' occurring in the Oath of Abjuration have been dispensed with in cases which were found not to be within the spirit and scope of the original law—and it seems to me inexpedient to introduce unnecessarily into a Declaration of this nature a form of words which experience has shewn may produce effects not contemplated by those who imposed it.

(Signed) "VASSALL HOLLAND."

HOUSE OF COMMONS.

Thursday, April 24.

GOVERNMENT ANNUITIES—LOSS TO THE PUBLIC THEREON.] Mr. Alderman *Waithman* said, he rose to present a petition from Mr. Moses Wing, of Market-street, Southwark, and of Middle-row, Bloomsbury, relative to the great losses sustained by the public in the Life Annuities sold by government. The hon. alderman, after expressing his surprise at having heard it stated elsewhere, that no communications had been received by government, pointing out the losses on those annuities, save those of Mr. Finlayson, observed, that that gentleman had predicted the loss, and said he would prove it by his own tables, which tables, though they had been promised eight years ago, were not yet ready. He did not know where the blame rested, but it was certain that Mr. Finlayson received 500*l.* a year to enable him to make out those tables, and that great loss had accrued to the public by not having them prepared. It would be seen from the statement of the petitioner, that he also had made a communication to government on this subject, so early as May, 1819. At that period he addressed a letter to the then Chancellor of the Exchequer, stating that the tables by which the government life annuities were granted, were not adapted to such purpose, and that great loss to the public revenue had arisen from the use of them. To this letter he received an answer, stating that the Chancellor of the Exchequer did not think it expedient that any alteration should be made at that time, and that the computation of new tables would be attended with great difficulty. The petitioner addressed another letter on the 11th of that month on the same subject, in which he entered into a detail of the loss accruing to the public. He showed that, on some of those annuities there was a loss of eight, ten, twelve, and fifteen per cent, and on others of twenty and twenty-four per cent. That at some rates at which they were granted there was a loss of not less than 2,691,200*l.* on a transfer of 12,000,000*l.* of stock. This he showed from tables calculated by baron Maseres, long before any annuities were granted by government. Now, after this it was too bad that no steps had been taken by government to prevent the great loss which the public were daily sustaining. In 1825 the petitioner addressed another letter on the subject, and received an answer from the then Chancellor of the Exchequer, thanking him for his communication, and admitting that government were aware that the tables on which the annuities were calculated were inaccurate, and that inquiries were making, in order to get more correct information. He was surprised that the noble lord, who was at that time Chancellor of the Exchequer, should forget this circumstance.—The hon. alderman then proceeded to point out the great loss which had accrued to the public from inattention to the communications made by the petitioner; who, he considered, had been hardly used. He had not sought for any remuneration, though he was entitled to it; but some of his communications had been delayed, some had not been presented, and others remained unanswered. He trusted, however, that proper attention would now be paid to them.

Ordered to lie on the table.

DELAYS IN THE COURT OF CHANCERY.] Mr. *M. A. Taylor* said, he rose, in pursuance of the notice he had given, to submit a motion respecting the present state of the Court of Chancery. He had at one time thought that this subject would have had the sanction of the government; and had that been so, it would not have been necessary for him to occupy the attention of the House for any length of time; but it was necessary for him to make out a case to induce the government to look into the abuses of that Court, which, he contended, and would prove, was in a worse state than ever; alike injurious to the interests of the country, and to the welfare of the subject. He supposed, that because the motion came from so humble an individual as himself, it would have but little weight with government; but he trusted that the good sense of the country and of that House would support him, if they should see, as they could not but see, that, as the Court was now constituted, it was not fit for the business of suitors, and that they would, one day, come forward and demand that immediate steps should be taken to ameliorate the condition of the people, with respect to Chancery proceedings. If he was in error in thinking that some such measure was necessary, that House participated in the error with him; for that House and the government had, from time to time, agreed that some amendment in the mode of proceeding was necessary. In 1811, the casting voice of the Speaker decided that measures ought to be adopted for the purpose of affording a remedy for the evils complained of; and that House, in concurrence with the House of Lords, agreed that some immediate steps should be taken to give effect to the business of the court. A measure was carried for that purpose in 1813; yet he could prove that, at that time, there was not one third of the business to be disposed of which there was at the present moment. It would not be necessary for him, in support of this, to go in detail into the voluminous evidence contained in the reports of the commissioners: a few extracts would be sufficient; for he took it for granted, that no man could go into the purlieus of that court without admitting the evil of which he complained. The House, as well as the public, admitted the necessity of doing something to remove the evil; but it was of such magnitude, that parties were afraid to look it in the face. When the state of the court was talked of, its many imperfections were readily admitted; but then it was asked, "What can be done? How will you remedy it?" So that the very magnitude of the evil operated in favour of its continuance. It had been said, that no evil should be without a remedy; and he was asked, what remedy he had to propose? He had proposed one: and then he was at once met by the parties objecting, that they were not agreed as to the extent of the evil. He, however, could assure his hon. and learned friend, the Attorney-general, that he would still go on—that he would, from time to time, take the sense of the House upon such measures as he thought were required, and were practicable. Many of those evils might be soon remedied, if those who admitted the extent of the evil—if those who experienced it in their attorney's and solicitor's bills of cost, and who saw the injury which the system was doing—if each individual would come forward, state his own particular grievance, and demand redress. He himself had nothing to do with the Court of Chancery: he was not afflicted with the misfortune of being a party in any of its proceedings; for he knew so much of it, that he would willingly forfeit hundreds of pounds rather than be involved in a Chancery suit. Ministers, it would appear, did not think proper to look into the proceedings of this court, and thus the public was sacrificed to political interests. He spoke not of the present moment, but of times past; for he had been told, on a former occasion, when speaking upon this subject to a person high in office, that the fact was, they could not afford to part with the then lord Chancellor, lest it should be the means of breaking up the government. Was not this, he would ask, a departure from the principles on which a Court of Equity was established? Those who were acquainted with the nature of an Equity Court would admit, that it was not created for the sake of the emolument it would give to the person who was placed at its head. It was not set up as an object for political ambition. The office of keeper of the Great Seal of former days, had not that great political importance which was now attached to it. The principle on which an Equity court was established was for the relief of a suitor in cases to which the common law did not reach, and for no other purpose.

He would not, as he had stated, go into the report of the commissioners, for it went only to part of the practice of the court; but, notwithstanding that that commission took up two years, and that bills were brought into that House founded upon it, and afterwards abandoned, all that the public gained by it was a string of resolutions, or orders, to accelerate the hearing of a cause; but as he should allude to other proceedings before the setting down of the case, it would not be necessary for him to touch upon them at present. He would content himself with saying, that the orders recently made had not gone as far as they might have gone, for the correction of the evils of which he complained. Without intending to depart from the rule which he had prescribed to himself, he might, however, express his objection to the order which compelled a defendant to put in an answer on oath to a bill which was not filed upon oath. He had, he believed, in common with most men who had directed their attention to the subject, beheld with regret the great strides made by the Court of Chancery in extending its jurisdiction. If the Court of Chancery should proceed as it had of late proceeded, the country gentlemen and the commercial interest would take the alarm; for there was scarcely any subject which might not be brought before that court, or any persons who might not be implicated in a suit. The wide jurisdiction of the court reminded him of a passage in Hudibras, in which the writer made that jurisdiction extend to questions of love and match-making. The passage ran thus—

> "And if you follow their advice,
> In bills, and answers, and replies,
> They'll write a love-letter in Chancery,
> Shall bring her on her oath to answer ye,
> And soon reduce her to be your wife,
> Or make her weary of her life."

The delays which took place in the administration of justice in the Court of Chancery were so great, that if an individual were entitled to 200*l.* under a will, and the executors, from over caution, did not choose to admit the assets, he would defy the ingenuity of the most active solicitor to get that 200*l.* out of court in less than six years. Again, unless the assets were supposed to be sufficient to cover all demands and leave a residue, a widow and children would not receive a farthing for years, unless the master should make a special report in their favour. Before he proceeded further, he would put the House in possession of the motion which he meant to submit. The motion was as follows:—"That it appears to this House from the papers laid on the table, as well as from the report of the commissioners appointed to inquire into the practice of the High Court of Chancery, that, notwithstanding the establishment of the office of Vice-chancellor in 1813, further steps are necessary to advance the general interests of suitors in Equity, to provide for the more prompt decision of cases, and to enable the Court of Chancery effectually to discharge the important duties connected with its jurisdiction." That was the motion he should feel it his duty to submit, and to call upon the House for their decision with respect to it.

Having stated the object which he had in view, he would proceed to show the amount of arrears at present existing in the Courts of Equity. In performing this task, he had not the slightest intention to impugn the character of any professional man. It was not of the individuals but of the practice that he complained. It appeared from the papers on the table of the House, that on the first day of Hilary Term, 1818, there stood on the paper of the lord Chancellor, of re-hearings and appeals, sixty-nine. Before the Vice-chancellor, there stood, of causes, three hundred and fifty-one; of pleas and demurrers, seventeen; of exceptions and further directions, one hundred and fifty-eight; making a total, in the two courts, of five hundred and ninety-five. It was important that gentlemen, not conversant with the profession, should understand, that when a cause was heard in Chancery, it was merely put in the progress of being decided. Decision did not take place on hearing the cause. It was sent, after hearing, to the Master, who was some time in making his report; which was heard by the court, and then further directions were to be given. The cause might be brought to a second hearing, and the judge might require the production of other facts. What he complained of was, that the cause often stood on the paper for hearing for two years, and then the further directions of the court often did not come on for nineteen months, and then it was very unlikely that the case could be heard for a year longer, or even a year and a half. The present Master of the Rolls was the Vice-chancellor in 1818. When he first occupied this latter office, he was enabled, by great exertions, to arrange, that, after hearing a cause, the further directions should be disposed of within six or seven months. But business increased upon his hands to such an extent, that, soon after, this six or seven months became eighteen or nineteen months. A cause could not be heard until the process of further directions came on except, indeed, in peculiar cases. To return, however, to the papers before the House. In Hilary Term, 1828, there were before the Chancellor and Vice-chancellor five hundred and fifty-nine causes; but many of these had been set down before Easter Term, 1826, and many before Trinity Term, 1827. There were now on the paper—re-hearings two, exceptions eighty-one, causes one hundred and forty-seven, making, in all, two hundred and thirty cases for the decision of the Master of the Rolls; so that upon the last Hilary Term, there were altogether eight hundred and twenty-five Equity cases waiting the decisions of the respective judges of the three courts. He understood, from the papers on the table, that the two hundred and thirty cases which stood on the paper of the Master of the Rolls at the period mentioned, had since been all cleared off.

He now claimed the attention of the House to another document; namely, the printed paper usually furnished to counsel, and which was issued about a fortnight ago. From this paper it appeared, that there were then standing before the Court of Chancery twenty judgments, and before the Vice-chancellor two. At the present moment there were causes undecided in the Rolls' Court which were heard before lord Lyndhurst when he sat there. These facts, which he had stated from returns before the House, were evidence of the existence of a state of things which could not be contemplated without the greatest anxiety. For the present Vice-chancellor he entertained the greatest respect. He knew that he would spare no exertions to expedite business in his court; but it was in evidence, from the mouth of that learned person himself, that the state of the court rendered it impossible to despatch business adequately. At the outset of his address he said he pledged himself to prove, that the Court of Chancery was in a worse state at present than it was at the time of the establishment of the Vice-chancellor's Court. In 1811 and 1812 the House thought proper to advise that some steps should be taken with respect to the Court of Chancery. The consequence of that interference of the House was, the establishment of the Vice-chancellor's Court in 1813. He would now compare the state of the court at that period with its present state. At the former period, there stood before the Court of Chancery—of causes, one hundred and fourteen; of appeals, thirty-five; of re-hearings five; of demurrers, fifty-nine: making altogether two hundred and thirteen. In the Rolls' Court, there were—of causes, two hundred and twenty-six; of further directions, forty-four: amounting altogether to two hundred and seventy. Thus, then, it appeared, that at the time when it was considered necessary to establish the Vice-chancellor's Court, the arrears in equity amounted to only four hundred and eighty-three; whereas now they amounted to five hundred and ninety-five. And, but for the great exertions of the Master of the Rolls, that number would have been augmented to eight hundred and twenty-five.

This being the case, then, he was warranted in saying, that the House was called on to take some steps, if they acted consistently with their former views of the subject. He thought that one measure ought to be the separation of the bankruptcy jurisdiction from the Chancellor's Court. In the Vice-chancellor's Court there were, in last Hilary Term, two hundred and forty-five bankruptcy petitions to be heard, besides thirteen that were standing over—in all two hundred and fifty-eight. In 1813, the number was only two hundred and three. It thus appeared, that there existed, for the interference of the House, much stronger reasons at present than those which produced the establishment of the Vice-chancellor's Court in 1813.

He now felt himself bound to refer to

the evidence given before the commission. In page 94 of the Report, Mr. Hamilton, a solicitor of considerable eminence, gave the following opinion as to the delays with respect to hearings:—"I see no other way (of altering the time) than that of appointing additional judges; or the Master of the Rolls sitting in the day time from ten till four, instead of the evening, from six till ten, and also sitting more frequently than he does." This question was put to Mr. Hamilton—"If you set down a cause before the Vice-chancellor in Trinity Term, when is there a probability of its being heard?". Mr. Hamilton's answer was, "I think it could not come on in less than eighteen months, if all the causes which are now set down are fully heard." Mr. Hamilton was then asked—"Supposing the cause to be heard before the lord Chancellor, is there much, and what time, elapses before obtaining a decision?" The question referred to the late lord Chancellor. The answer was, "Certainly; frequently months, sometimes years; and I have heard of many cases, in which the parties have not been able to obtain any decision at all." In a subsequent part of his examination, Mr. Hamilton expressed his opinion of the absolute necessity of separating the bankruptcy jurisdiction from the other duties of the lord Chancellor, if the appeals were ever to be heard in any reasonable time. The evidence of Mr. Cooke, a gentleman well-known, of considerable professional experience, went to prove that the bankruptcy jurisdiction occupied a considerable portion of the time of the court, and more and more every day. In the course of the examination of sir L. Shadwell, the present Vice-chancellor, the following question was put to him:—"Do you conceive that the Court, with its present powers, is capable of the discharge of the duties which you imposed upon it?" His reply was—"I think if you had three angels, you could not get through the business." He believed that the opinion then expressed by the present Vice-chancellor still remained unaltered. The same learned individual expressed an opinion, that the simplest mode of removing the evil complained of was to separate the bankruptcy jurisdiction from the Court of Chancery: he thought that then the three judges would be able to get through the remaining business.—Mr. Bickersteth, a man of as high standing as any in the profession, stated in the course of his examination, that "The delay which happens after the case is ready for hearing, and before it is heard and a decree made, appears to me to be attributable to the Court." He likewise stated, that he considered the present number of judges insufficient. Mr. James Lowe, an eminent solicitor, complained before the commission, that his causes set down for hearing were not heard within any reasonable time. He further stated, that the expense of simply attending the court to get one case heard, amounted to 1,000*l*. He likewise cited the case of "Oldham *v*. Cooke," in which the Master reported favourably to his client in 1816, and in 1824 the exceptions taken to that report had not been heard. Mr. Bell, the counsel, stated, that considerable time was occupied with bankruptcy cases, and was of opinion, that if all the duties which at present attached to the Courts of Chancery were continued, the three judges could not despatch the business which came before them with sufficient celerity. One of the witnesses examined by the commissioners was Mr. Forster, who once practised at the Chancery bar, but had for some years retired from the profession. Many years ago he drew up certain propositions for amending the practice in the Court of Chancery, which were approved of by lord Thurlow, but which had by some accident been allowed to sleep, and had never been brought into operation. Mr. Forster, in his evidence, said, that any change in the practice to be effectual must be accompanied by a change in the constitution of the Court, and by a different organization and application of its judicial powers. Mr. Winter, the solicitor, stated in his evidence, that no blame was attributable to the solicitors who practised in Chancery. He begged to call the attention of the House to this point, because lord Redesdale, in his pamphlet, had thrown much blame on the solicitors. According to that learned lord, it would be necessary to believe that a solicitor expended all his energy in a court of law, and reserved only his sloth for a court of Equity. Mr. Winter said, that the cause of delay was to be found in the different instruments with which a solicitor worked in a court of law and in a court of equity. The essence of a court of law, he said, was despatch, and the essence of a court of equity was delay. Mr. Heald and Mr. Roupell both stated, that the business in Chancery had lately considerably increased, and that the judges, with all their diligence, were not able to keep it down. Mr. Ellis and other individuals spoke to the same effect.

Now, having detailed this evidence to the House, he would ask whether he was right or wrong in the proposition which he intended to submit for their consideration? He saw no reason why that proposition should be opposed by government. The evil must be admitted. The question then was, what remedy was to be proposed? He had been told that there existed great objections to the remedy which he had always proposed. His opinion, however, had undergone no change. He had stated to the House matter which came home to the business and the bosom of the country. It was every man's case—"*proximus ardet Ucalegon.*" All admitted the evil, but many did not dare to look it in the face. The arguments against reform, in the days of Mr. Burke, were, that the reform was not practicable which he contemplated—that that which was not practicable was not desirable. That great man, in reply to these objections, observed, that every thing of this nature was attainable by well-informed minds of sufficient energy. In that opinion the House concurred, and followed up his principles. To that spirit in the House of Commons of that day—which he hoped would be imitated by the present House of Commons, which had the benefit of a more extensive experience—were to be attributed the great and important reforms which took place in the Exchequer, in the household, and in other branches of the public expenditure. He could not help feeling sorry that the right hon. Secretary for the Home Department was not present. He thought that, when a motion of this sort was to come before the House, the right hon. gentleman might well have spared it some of his attention. Where a question was to arise which concerned no less than forty millions of the property of the country, he thought the right hon. gentleman did wrong to absent himself; and that, too, at the very moment when many were rotting in gaol, because they could not obtain the decision of the Court—[Just at this minute, Mr. Peel entered the House].—He was glad to see the right hon. gentleman, though he could not but wish that he had been present when he stated to the House what had been the nature of the evidence taken before the commissioners. He would, however, give the right hon. gentleman a copy of that evidence.—[Mr. Peel said, he had read it.]—He was glad to hear that such was the case, for if the right hon. gentleman had indeed read the evidence, how he could hope to get over the circumstances of the case, he did not know. As to the question of bankruptcy, that was one of secondary consideration: he did not intend to insist that that must be taken away, but he did insist most strenuously that something must be done. What was the project that government had for affording relief? to send a portion of the cases to the Exchequer. But, was this either just or fair? What! had he not a right according to the constitution of this realm, to set down his cause in the High Court of Chancery, or to go before the lord Chancellor of England, and prefer the great seal to determine his case if he thought proper? This he understood to be their project, or at least a considerable part of it.—How did the members of his majesty's government treat him when he, on former occasions, brought on the consideration of this subject? When he offered a remedy for the evils complained of in that court, they replied "No, we cannot accept of your remedy, for we do not admit your facts." There were some in that House, who formerly deeply regretted the existence of these grievances, who argued that the motion was not necessary now, and ought to be withdrawn. Was it because there was a new government, and a new lord Chancellor, that this great object, embracing the interests of so large a portion of the population of this country, should be given up? What, he would ask, was the state of the court now? Had any pledge been redeemed since the appointment of the successor of the late lord Chancellor? And here he begged to be understood as not meaning to imply any censure on lord Lyndhurst; for he would admit, that the evil rested not with that noble judge, but with the members of his majesty's government collectively, who remained insensible to the situation of the suitors now labouring under the consequences of being thus deprived of their property, and refused to interfere. He called on government to redress the evils complained of. He entreated ministers to consult the public feeling in this instance. He now charged the government with being accessory to the continuance of this shameful system; and he once more demanded for the people, justice. He, for one, would never consent to send the suits in Chancery to be tried in the Court of Exchequer; on the contrary, he felt, with many of the gentlemen who had given evidence on the committee, that the simplest mode to relieve the Court of Chancery would be to separate the bankruptcy business from it. Supposing such a separation were to take place, and lord Eldon were appointed judge in bankruptcy cases, would the public deplore such an event? Certainly not. But the difficulty was, who was to have the patronage in that case? That was the question, and the real question. There was the appointment of the clerks in bankruptcy, and under the patentee; the patentee himself, with a salary of 6,000*l.* a year, besides his deputy with another good salary; all which money was wrung from the wretched creditors and their distressed families. What objection could there possibly be to make the lord Chancellor a judge of appeal in equity, and the occupier of the woolsack in the House of Lords? If the judge of the Rolls court were to sit, regularly assisted by the labours of the Vice-chancery court, and another judge to be appointed in aid of the Chancery court, the business would be satisfactorily, as well as rapidly, got over, and the High Court of Chancery be what it ought to be,—a real court of appeal in equity. To talk of its being so now, was absurd: it was an appeal from a judge in a tie-wig in Lincoln's-inn-hall, to the same judge in a full-bottom wig in the House of Lords, with a snoring bishop perhaps on one side, and a Scotch peer on the other, wishing him and the cause together at the devil? The lord Chancellor would then, in reality, be judge in appeal in his own court, as well as reviser of the opinion and judgments of others in the House of Lords. If this plan were adopted, did ministers suppose the people of this country would make a niggardly provision for carrying the project into execution? He begged the House to recollect, that in his representation of the cause of the evil, as well as the remedy, he had been supported by the Vice-chancellor, by Mr. Bickersteth, and by several intelligent persons about the Court of Chancery. By whom had he been opposed? By his majesty's government. It was to them that all the blame was imputable, and to no other quarter. But he trusted that the public would not be contented, until a thorough reform was effected in the Court of Chancery. The hon. member concluded his speech with the motion which he had read in the course of it.

Lord *Rancliffe* seconded the motion. He said he had long been aware of the many mischiefs that the delays in the Court of Chancery entailed on its suitors; and although he had a very high respect for the present lord Chancellor, and did not conceive that the fault rested with him, he nevertheless trusted that such an alteration would be made as to rectify those heavy abuses which made that court a serious evil to all who were so unfortunate as to have business to transact in it.

Mr. *Horace Twiss* said, he would not inquire into the other general causes of delay in Chancery, because he was satisfied that the main source of mischief, to which all the others were as nothing in the comparison, was the length of time that intervened between the setting down of a cause for hearing in any of its stages, and its coming on to be heard before the court. He could make this intelligible in a few plain words. Suppose a cause to commence to-day, and allow a year for the stages prior to the hearing, the answers and the evidence, which would bring the parties to April 1829. The cause would then be set down, but it would not get its turn to be heard for a year and three quarters; that is, till the beginning of 1831. The ordinance of Cromwell, that every cause should be heard on the same day on which it was set down, would not be reasonable; an average interval of two months might be allowed between the setting down and the hearing: but what would be said to the present course of the court, which, instead of averaging a period of two months, averages a period of almost two years? Well! in the beginning of 1831 the cause would be heard, and the judge would direct the necessary inquiries or accounts before the Master, which might occupy another year. In the beginning of 1832, when these were completed, the cause would be set down for further directions, for which it must wait a year and three-quarters more; that is, till the end of 1833. A second reference to the Master was perpetually required; as, for instance, where land was devised to pay debts and legacies; and this would occupy, he would suppose, a shorter time; so that, at the beginning of 1834, the cause would be set down for the final decree. Would the suitor be then put out of pain? Far from it: another period of a year and three-quarters must elapse before the cause could come to the top of the paper, when at last it would be finally disposed of towards the close of 1835.

This was the example of a case, where no undue delays were interposed by any of the parties. Two years and a half, or, with diligence, two years, would have been occupied by them in the necessary business of the cause. That, indeed, is a long time for a widow, an orphan, a creditor, nay, even a legatee, to be kept out of the pittance, they are respectively entitled to; but, long as it is, it is a mere span in comparison of that other amount of time, the aggregate of the three periods of a year and three quarters each, consumed in waiting successively for the first hearing, for the further directions, and for the final decree. The whole time required for the cause having been seven years, or seven years and a half, from five to six of these years, that is, more than two-thirds of the whole time, would have been absolutely wasted and thrown away, not in preparing for justice, but in merely standing still to expect it—wasted, not by the parties, not by the solicitors, not by the practice, not by the court—but solely by that want of means to get through the business, which is now become not more the grievance of individual suitors, than the reproach of the country. He had instanced no extreme case. If an example were selected where a plea, a demurrer, or an exception had been brought on and overruled, he might have had to add another period of a year and three-quarters, making upwards of nine years. If the suit were then carried on to a re-hearing, or an appeal, the number of years would amount to eleven or twelve; of which about nine would have been consumed by the suitor in the mere act, or rather the mere suffering, of waiting for his several turns to be heard before the court. Again, one delay begets another. If, in any of these long intervals, any of the parties die, the suit abates, and another period of a year and three-quarters may elapse before it can again be brought to a hearing. He had been counsel in the very last cause ever heard before sir Anthony Hart, when Vice-chancellor, which was a suit against an Insurance Company for a life annuity; and, as the annuitant was between eighty and ninety, time was a material object. It had been partly heard on the last day of Easter term; but the pressure of other business having obliged the Vice-chancellor to postpone that, and other causes, to a distant day, it happened that before that day one of the defendants died, and the suit abated. The annuitant, at almost ninety, was left without any provision, but the kindness of some of his relations. Within these few weeks, he also was dead; the annuity being still unpaid, and the cause still unheard; and all this without any blame to the court, or to any individual, from the mere inadequacy of the number of tribunals. In very many cases there were more than twenty or even thirty parties; and it was obvious, that, without calculating on any extraordinary accidents, such suits, if they were to be thus protracted, would be abated perpetually, by the mere probabilities of human mortality. The costs, too, were increased; for, if a solicitor's capital were locked up for ten years instead of three, his charges must be proportionally greater.

It was no good argument to refer to the delay of three terms, which sometimes occurred at common law. That was a delay of almost a year; but it was only half the duration of the delay in each stage of an equity suit; besides, the delay at law was not in the original hearing, but only in proceedings in the nature of appeal—such as motions for new trials, arguments on special cases, and so on. Nine-tenths of all the business at common law began and ended within the year. A cause at common law was usually confined to a single issue, and disposed of by a single hearing; a cause in equity consisted of many separate questions, and could seldom be disposed of in less than two or three hearings. The delays, then, between the periods of setting down and of hearing, were the great, overwhelming grievance of the Chancery, to be now redressed by the legislature. Those who ascribed the evil to the slowness of particular judges, were ignorant or forgetful how ancient a grievance it was; as ancient, at the least, as the time of Henry 8th. The arrear, even then, was so heavy, that it was deemed an herculean labour to discharge it. Fuller, in relating that sir Thomas More achieved this object (on which he observes, in his quaint way, that "as Moore was born in Milk-street, so he was the brightest star that ever shone in that *via lactea*"), records a quatrain which was written on that occurrence, and which shows how great a feat, even then, it was considered:—

> "When *More* some time had Chancellor been,
> No *more* suits did remain:
> The same shall never *more* be seen,
> Till *More* be there again."

Accordingly, the benefit was not a permanent one. In the reign of James 1st, we find sir Edward Coke complaining that "the Chancery embraceth so many causes as the Chancellor and Master of the Rolls cannot possibly determine them." Yet this was not for want of energy and capacity in the judges; for the Master of the Rolls, for some years preceding, had been sir Julius Cæsar, than whom few judges have left a higher reputation behind them; and the chancellor was no less a person than lord Bacon himself. Another great effort was made by lord keeper Williams, who succeeded lord Bacon. But how did he set about his object? Why, by exertions which it would be impossible for the bench or the bar to sustain for any considerable time: he went into court in the morning, two hours before daylight, and continued his sittings in the evening, till eight or nine o'clock. The present state of business would mock even that degree of diligence and resolution. Oliver Cromwell felt the difficulty—he saw how the delay in reality arose: that it consisted in the length of time intervening between the setting down and the hearing of the causes. Then it was that he put forth an ordinance, requiring that every cause should be heard on the same day on which it was set down. That was found impossible: the then Commissioners of the Great Seal, of whom Whitelocke was one, remonstrated upon this and several other of the ordinances as impracticable; and, persisting in their opposition, were required to lay down the seals. Lord keeper Guildford, after the Restoration, endeavoured to imitate the examples of More and of Williams; and, during the vacation of parliament, he succeeded, as we learn from Roger North, so far, that his remanets, if any, were few. "This continued," says North, "till the parliament, and more unhappily his own weakness came on, and made him unable to continue that close application to the business of the court; and, for want of due time allowed for hearing of causes, the reins of the court grew loose, and the paper became loaded with remanets, which to see was of itself, to him, a sickness. And I am confident it was one, and not the least ingredient, in bringing forward upon him that fatal distemper, which after it had once seized, never left him till he died." He could have felt no sickness more painful than that which the suitors endure, the "hope deferred," which makes the heart sick.

In a very few years came the Revolution. It does not appear that any extraordinary effort was made by lord chancellor Somers; and the judge whose reputation stands highest of those who have held the seals between lord Somers and lord Eldon, was, undoubtedly, lord Hardwicke. Was he, that celebrated chancellor, successful in reducing the arrear of his court? On the contrary, we find in the letter published by Mr. Cooksey, in his "Memoirs of Lord Hardwicke," that "the length of time to which every cause was protracted made the suitors weary, and glad to submit to any decree suggested, and agreed upon, by their counsel; in which neither party could complain of being aggrieved by the judge of that court."

Thus it had happened, that for almost three centuries, with only two short intermissions, the arrear had been continually pressing; not, indeed, to the weighty amount which bears upon us now, but always to an amount beyond the permanent power of the court to keep it down; until the delays of Chancery have passed into a bye-word and a standing misery. When the mischief had been thus uniform and continued, it was in vain to ascribe it to causes that are temporary. To say that one judge had been so slow in his habits as to retard the average rate of proceeding, and that another, from his hurry, had swelled the business by the multiplication of appeals, was to speak of causes not peculiar to certain periods, or to certain men, but common to all time, and inseparable from human nature. Neither would it be of more avail to say, that in certain instances the arrear had been increased by the long-continued illness of this or that among the judges. The four judges in Equity, the lord Chancellor, the Master of the Rolls, the Vice-chancellor, and the lord Chief Baron (if indeed, the Chief Baron, so much of whose time was occupied by circuits and other common law business, could be counted as an equity judge), would generally, on an average, be men sixty years old; and of four men averaging sixty years, and all much harassed with labour, one at least would usually be subject to attacks of ill-health. Now and then some great exertion was made, as by More and Williams, and lately by sir John Leach, who two or three years ago reduced the arrear from a year and three quarters to less than a year. But these efforts could not be kept up by any human strength, and when sir John Leach became Master of the Rolls, the Vice-chancellor's court was deeply in arrear, notwithstanding all his meritorious exertions. And what always renders the particular exertions of any judge the more hopeless, is, that no sooner has he wrought any sensible decrease in the existing arrear, and thus shortened the intervals of delay in his court, than a multitude of those who, in other times were disposed to acquiesce under almost any oppression, rather than encounter the delays of Chancery, take heart upon the prospect of a speedier administration, and crowd in with fresh suits, till again the bitterness overflows, and the same series of hardships is to be repeated. The Vice-chancellor's court, it was true, had been constituted in aid of the Chancellor since the days of sir Edward Coke's complaint as to the inadequacy of the courts to keep down the arrear. But the business of the Chancellor had increased, on the other hand, in great proportion. Appeals in Chancery and in the House of Lords, Bankrupt appeals, Lunatic petitions, miscellaneous matters of a legal nature, requiring the attention and advice of the first law officer of the government, all these things, to say nothing of state affairs, occupied the time of the Chancellor so largely, as to leave him very little leisure for taking any matters of original jurisdiction in Chancery.

It had been said, that there was a part of the time of lord Hardwicke, in which the number of bills filed was as great as in a corresponding period of lord Eldon's time. But the business in lord Hardwicke's days was not productive of the same labour as at present; and, such as it was, it appears that he was unable to keep it under. In those days the hearings, and the further directions disposed of the cases; but now, perhaps, from the increased value of the property in litigation, every other cause gave rise to a motion for an injunction, or for the payment of money into court, or for some other important purpose, which occupied as much time as a hearing, and yet did not supersede the necessity of a hearing afterwards. The length of the reports of modern cases also multiplied the topics of discussion, the speeches of counsel, and the labour of judges. The value of the property litigated was not, he allowed, an accurate test of the comparative length, or difficulty, or importance, of causes; but still it was a consideration not to be altogether set aside. Now, in 1740, the money in the hands of the Accountant-general of the court was 1,290,000*l.*; in 1820 it was 34,000,000*l.* sterling. But, independently of documents, it was manifest that, with the accumulation of money, stocks, and personal chattels of all kinds, with the complication of civil and commercial rights and relations, with the extension of credits and trusts, and with the invention of securities and charges upon every species of property and title, the equitable as well as legal liabilities of our fellow-subjects had necessarily multiplied in the same proportion: insomuch that the number of the parties to any proceeding, and the number of the points to be adjusted among those parties, had increased to an amount which the Hardwickes and the Camdens of preceding reigns not only had never to struggle with, but probably never even foresaw. It therefore seemed to him, that the business in Chancery could now no longer be despatched as formerly.

But the delay was not owing now—and he doubted whether it ever had been owing—to any want of sedulousness or zeal in the judges. The reputation of the Master of the Rolls, who was the senior judge on the bench, had been so long established, and so highly and so justly, that it was a familiar theme of applause with almost all who sate around. The Vice-chancellor had been only half a year in office; but no one would assert that, with all his urbanity of manners, he had shewn any want of the decision and diligence which his station required. With respect to the lord Chancellor, who had now had a year's opportunity on the bench of doing justice to his great reputation at the bar, he would say, and he said it confidently, because he spoke from his own personal observation, that he had given himself to the discharge of the business in his court, regularly, strenuously, and diligently: not availing himself of any thing unsettled in political affairs as a plea for remissness in his court; not confining his sittings to the five hours, which had been usually devoted to that purpose, but often extending his judicial mornings to six and even seven hours. So long a sitting might not be practicable as a permanent measure, consistently with the necessary preparation out of court; but in his great anxiety to reduce the arrear, the lord Chancellor had extended his sittings to a longer time than the counsel could well afford to that duty. Add to this, that before lord Lyndhurst no time was ever wasted. His attention was always fixed and intense; and he had amply justified the characteristic commendation pronounced on him last year in the House (by Mr. Brougham) of possessing, in a pre-eminent degree, that faculty of mind which is most conducive to forensic despatch; the faculty of straightway disengaging the kernel from the husk, and seizing, amidst a mass of surrounding matter, the essential points of the case before him. Such being the judges, if the arrear could be got under, they were likely to do it. But all their efforts were unavailing to that end; and meanwhile, their situation was a most painful one. Out of court, they were assailed with perpetual imputations of lukewarmness and negligence; in court, they were besieged and harassed, and almost threatened, with applications the most contradictory and distracting—suppose, continued the hon. and learned gentleman, that a motion of great importance to the suitor, arising in the matter of some appeal from the Vice-chancellor or Master of the Rolls, has been partly heard before the lord Chancellor upon a certain day. The cause, like others, has taken up its eight or ten years in the earlier stages, and may wait two or three more for the decision of the appeal; but the motion, meanwhile, is of the greatest consequence; it will, perhaps, determine the main point of the cause, or secure, or set at liberty, a large sum of money, forming the whole property of the litigating parties. Having been partly heard, it seems to bid fair for being finished on the morrow, in priority to the other business of the day. In the morning, then, the interested parties, believing that the anxieties of ten years are now to receive their quietus, repair to the court, naturally expectant and eager. The chancellor appears upon the bench, and the crisis seems to have arrived. Sir, he has not time so much as to take his seat, before he is assailed by a din of conflicting voices. Here stands one, who represents that, for eighteen months, a motion of his, of the greatest urgency, has been waiting to be heard, and that the property, which is the subject of it, is mouldering away. A second exclaims, that if instant interference be not extended, a dishonest partner will ruin him, by negociating bills in the name of the firm. A third, that unless the Great Seal interpose on the instant, a fraudulent trustee will leave the kingdom with his whole property in his hands. With these is a broken tradesman, beseeching for the decision of a long-deferred question upon his certificate, for the want of which his hopes of re-establishment in trade, and the bread of his children, will be lost for ever. Another, who is in custody, comes up by *habeas corpus*, and insists that, in favour of liberty, his case be preferred to all others. Some of these applications are made by counsel—some by the parties themselves, who, either from want of funds to retain professional assistance, or from that boldness which despair begets, throw themselves in person on the kindness and sympathy of the court, to give them from compassion that priority which they cannot claim of right. That is the state in which the suitors are placed by the want of tribunals to adjudicate their rights.

Sir, the ill effect of all this is not confined to the suitors already in court. It operates further as a general bounty upon wrong doers. A party who is well-advised, unless his claim be one of great magnitude, will compromise it for a quarter of its value, nay, often surrender it altogether, rather than go through the dreary waste of years which must pass away before his cause can possibly be brought to a decision. So that you injure not only all those who are now claiming justice at your hands, but all those whom the present state of your courts deters or precludes from claiming it. No doubt it is good to diminish litigation; but if you are to diminish it by making your courts inaccessible to half your subjects, you are bound, on that reasoning, to make the benefit complete, by closing them altogether. I am not insensible, as an English subject, or as an English lawyer, to the credit which this country derives from the character of her courts. But if we suffer the approach to those courts to continue much longer choaked as it now is, I am afraid their credit for impartiality will soon resolve itself into this—that against both sides alike they will be closed. What right have we to take from any of our countrymen that first and greatest of the benefits which every government virtually contracts to bestow upon the subject, in return for that portion of his natural liberty which he gives up as a member of society, the benefit of a practicable, available resort, for the decision of his property, and the vindication of his rights? The protection of poor and humble persons, the first object of all government and society, is lost in such a state of your tribunals, when those suitors are unable to hold out against the wasteful delays by which their wealthier adversaries overbear them. It was with apt and good cause that in the well-known provision of Magna Charta, "Nulli negabimus aut differemus justitiam," the king's undertaking not to deny justice, and his undertaking not to delay it, were placed together. The lawgivers of that day coupled them, in the same clause of the same sentence, discerning, even in that dawn of legislation, how nearly akin are the "differere justitiam" and the "negare." The country has long endured a stoppage of justice, while it could be glossed under the name of a delay; but I fear the time is coming when, if we mean to look the evil in the face, we must lay aside that flattering designation, a delay of justice, and call it what it is—a denial. The tide of fresh business has continued to pour in and gain upon us, faster by far than our present force can get it under; and unless we are prepared to increase that force, it must, of a surety, overwhelm us.

The remaining question then was, in what way we should get our additional assistance? It had been thought, that an effectual relief might be given by merely disburthening the Great Seal of the business of bankruptcy. Now, when the measure of separating the bankruptcy was first suggested, the proposal had some substance in it, because the lord Chancellor then heard all the bankrupt petitions. But, since the appointment of the Vice-chancellor, he heard, with a few special exceptions, only those upon which the Order of the Vice-chancellor was appealed from: it was the Vice-chancellor now, who in fact heard the mass of the bankrupt petitions. The question, therefore, which was raised by the proposal for removing the jurisdiction in bankruptcy from the Great Seal, was not a question whether this relief should now be given to the lord Chancellor; for this relief had been given to him already, and found by experience to be insufficient. The only question that could be raised on this point now was, whether he should be relieved from that small remnant of his judicature in bankruptcy, which consists of appeals upon bankrupt petitions. Now that relief would give him too slight an addition of time to be of any avail for the subduing of such an arrear as now exists in the other departments of the business; and it would, therefore, at best, be inefficient as a remedy. But it would be worse than inefficient — it would be injurious too. Whatever should be your original tribunal for the hearing of bankrupt petitions, whether you might prefer a Vice-chancellor, or a new judge expressly appointed, or a bench of well-selected commissioners, it was clear that, from the important nature of the questions often raised upon such petitions, and from the great number of equitable considerations and principles involved, you must allow the unsuccessful party an appeal to some jurisdiction or other; and this jurisdiction must be one which is conversant with equitable doctrines, such as the administration of estates among various claimants, and the arrangement of substitutions and relative priorities. What, then, shall this jurisdiction be? At present, there is no appeal in bankruptcy to the House of Lords, but only to the Great Seal. If you exclude the Chancellor from sitting in bankruptcy to hear these appeals, will you require the House of Lords to receive them? That course would, no doubt, have this advantage—that as the House of Lords is the Supreme Court of Appeal in all other cases, uniformity of constitution and of ultimate decision would be provided for. But then there would be a great increase of delay, which, in bankruptcy, is most peculiarly injurious; and there would be a great increase of expense, which upon bankrupt funds would be a destructive charge; and, moreover, there would be no saving of the Chancellor's time, as he would still have the hearing of these bankruptcy appeals, only sitting on the woolsack of the House of Lords, instead of sitting on the bench of the court of Chancery. And even as far as uniformity of decision is an object—and certainly it is a material one—you would gain little in practice by the change. It is an object very nearly as well secured by the present course of an appeal to the Great Seal, as it would be by an appeal to the House of Lords; because, in either case, the governing opinion will equally be that of the lord Chancellor.

He would not detain the House by following these considerations into further detail, because he thought that even the points he had already touched on would sufficiently indicate the difficulty of finding, or framing, any other superior court, sufficiently conversant with those principles of equity which must be applied to bankrupt matters; and, at the same time, sufficiently identified (as the lord Chancellor always is) with the supreme appellate jurisdiction, both of common law and of equity, which is administered in the House of Lords, to be substituted safely for that authority which is now exercised by the lord Chancellor upon appeal petitions in bankruptcy. It seemed to be an opinion of the hon. member for Durham, that as the jurisdiction in bankruptcy was originally annexed to the Great Seal, not by the ancient unwritten law of the land, but only by statute, there would be no constitutional change in disconnecting it. But it was a statute, made in times whose institutions are not usually treated without high respect—it was a statute made in the reign of Elizabeth, when sir Nicholas Bacon was lord keeper; and made upon experience, that the earlier law of Henry 8th, which had given the jurisdiction to the two chief justices, common lawyers, with the aid of a third, who was to be one of the great officers of state, was not effectual for its purpose. Indeed, if we were to treat establishments as too modern to be of the substance of the constitution, because they may not be older than the reign of queen Elizabeth, the constitutional character would be taken away, not only from most of the institutions of our law, but from most of the bulwarks of our liberty. But while he strongly adhered to the opinion, formed after the experience of a good many years, both as commissioner of bankrupts, and as counsel in the courts of Equity, that the bankrupt petitions should be heard by Equity judges, with a jurisdiction of superintendance and appeal in the lord Chancellor, yet he was as firmly persuaded as the hon. mover himself, that a remedy ought to be, and must be applied to the present alarming arrears. That remedy, he thought, was not difficult to be found. It seemed to him, that the Equity business now done in the Exchequer, and the machinery of the officers attached to the Equity side of that court, should be at once transferred, with the necessary adaptations and reforms, to the court of Chancery, and that the appeal should be to the lord Chancellor, as it is from the other tribunals of Equity. And as this arrangement, to be really useful, would require the daily and constant Equity sitting of the chief baron, who has hitherto transacted the Equity business of the Exchequer only between the intervals of the circuits and other common law sittings, it would be requisite, in order to leave the bench of the Exchequer still full, and in order to make that court what it ought to be—a court of common law only, and available for the assistance of the other common law tribunals—that a new chief baron should be appointed to replace the Equity judge of the Exchequer, when his services should thus have been transferred to the court of Chancery. If, in addition to this arrangement, the Master of the Rolls could be induced to hold his court daily in the morning, instead of sitting, as he now does, chiefly in an afternoon, and that not daily, we should then obtain, for the despatch of Equity and Bankruptcy business, the whole time of three judges, beside the Chancellor; that is, we should have, as now, the Vice-chancellor, we should have the whole time of the Master of the Rolls, and we should have the whole time of the Chief Baron as a judge of Chancery. This would make an addition almost equivalent to the creation of one new judge in Equity. The three courts would all be going on together, each with a separate bar; the hurry and distraction of our present condition would be avoided, and the judges and the leading counsel would no longer be drawn aside from their endeavour to do the business in the manner which is best, by a perpetual goading to do it in the manner which is quickest; for really, in the present day, from the pressure of the work, the question with the public was no longer whether this or that judge or counsel did his business usefully for the suitors—not whether he brought out fully, and with their due weight, all the material points in each case; the question was only, how much business does he get through? The consequence is, undoubtedly, that a few individuals evince great faculties, and arrive at great emoluments; but he was persuaded, that it would be better, not only for the public, but even for the bar themselves, that the business of men in leading situations were less than it is, so that their leisure might be something more. The present state of the profession allows no time, as a liberal profession ought, for the general cultivation and improvement of the mind—nor for keeping up with the common current of society—nor for needful exercise and rest. That is not a state of things in which it is desirable that the members of such a profession should be placed; and it was a state which the simultaneous sitting of hree courts must necessarily put an end to by obliging the bar to divide; the counsel no longer straining to attend several courts, but each attending only one original court, and the appellate tribunals of the lord Chancellor. Under these favourable circumstances, with the devotion of so much more judicial time, and with the undivided attention of the bar, it might not be impossible that the courts of the Vice chancellor, the Rolls, and what had been the Exchequer, would be able to keep down the business both of Equity and of Bankruptcy.

With respect to the expense of an additional Equity judge, he thought such a judge might be constituted not only without expense, but with a saving to the public on its present outlay, and with a due regard to the connexion of Bankruptcy and Equity; and he would propose to do that by some modification of the present mode of working the commissions of bankrupt in the country. The House were probably not aware, that the commissioners of bankrupts, who in London are a fixed body, are named in the country upon each commission, by the selection of the solicitor who sues it out. The tribunals of the London as well as of the country commissioners had many defects, which this was not the proper occasion to deal with; but the business of the country commissioners, as might naturally be expected from persons not habituated to the duty, and taking it only by a casual nomination, was much more imperfectly executed than the business of the commissioners in London. At the same time, the number of commissions worked in the country was considerably greater than the number of those worked in London; and thus the greater number were the worse administered. From which state of things it resulted, that the larger proportion of the petitions presented in bankruptcy, and which were now heard by the Vice-chancellor, arose out of country commissions. Now, as the number of country commissions appeared, from the official returns which ended October, 1826, to have been, on an average, seven hundred and nine in each of the ten years preceding that date; the fees of the country commissioners, taken at 16*l.* or 17*l.* for each of the three working commissioners in each commission, will have amounted to about 35,500*l.* a year for every one of those ten years:—a great sum and greatly mis-spent. Eleven permanent lists of competent commissioners in the country, having fixed salaries at an average of 300*l.* a year, and being placed at nearly equal distances, would do the business with much more experience and responsibility, and would cost the country but 16,500*l.*, which would give, as compared with the present plan, a saving of 19,000*l.* a year. Out of this saving it was that he would propose the appointment of a new judge in Equity instead of the present Exchequer Court, whose primary duty should be to hear petitions, and applications arising out of bankruptcy. For this purpose that judge should sit on the Monday, and so on from day to day in each week, until he had despatched all the bankrupt business then ripe for determination, which would probably occupy the Monday and Tuesday in every week. The remainder of his time he should devote to the despatch of the general Equity business of the Great Seal, and an appeal should lie from him to the lord Chancellor.

It was in some such mode as this that he apprehended it would be best to afford such relief as could be connected with the business of bankruptcy, and not by any attempt to separate bankruptcy from the Great Seal. But whatever (continued the hon. gentleman) may be the course which shall seem best to the wisdom of the legislature, I trust that parliament will never sanction the opinion of those who would persuade us that a benefit would be effected to the public by the saving of time which would be gained from what they call the separation of the political from the legal functions of the Chancellor. If it were practically as true as it is untrue, that the Chancellor, by divesting himself of his character as a minister and Speaker of the House of Lords, would gain sufficient time to reduce and keep down the arrears of his court, still, upon general constitutional grounds, there would be the most insurmountable objection to the severance. Would the lord Chancellor, or would he not, be relieved from the task of hearing appeals in the House of Lords, the heaviest part of his duty, and that which engrosses by far the greatest part of his judicial time out of Chancery? If he should not be relieved from that task, you will fail in your object of transferring or restoring to the court of Chancery, the greatest part of his judicial time, now abstracted from it. If he would be relieved from that task, you must appoint some other lawyer in his stead, not as occasional or deputy Speaker, but as permanent Speaker of the House of Lords, to hear the appeals there. But what lawyer shall it be? Shall it be no longer the lord Chancellor?—no longer the individual whom the union of legal with other considerations points out as the fittest individual to preside over the law and constitution of the country—to be the paramount authority on the whole range of legal and constitutional learning—shall the judicial duties of that fittest and ablest man be limited to the particular subdivision of law which is administered, under the title of Chancery, in Lincoln's-inn-hall—and shall some other, some secondary lawyer, be exalted to the presidency of the House of Lords, to be the organ of that pre-eminent judicature, the moderator of the British peerage, the foremost layman after the royal blood? I hardly need ask, whether a choice like this would befit the most august assembly of the realm. Or, suppose that, instead of a lawyer, whether of the first or of the second order of talent and attainment, you assign the high rank and great office of Speaker of the House of Lords to political interest, or the influence of family? Sir, I may be mistaken; but, at least, I speak deliberately and sincerely, when I say, that if the question were, in what manner most effectually to undermine the nobility of the land, and the prerogative of the Crown, and with these, the whole constitution of the country, I can imagine no step more conducive, as a first movement, toward that mischief, than to transfer this great reward from the nation at large, every one of whose sons now has it open before him, to the few possessors of hereditary title. I speak not now of the disparagement to lawyers, from the loss of the reflected light which so illustrious a prize, peculiar to their vocation, diffuses over their whole body. It would not, indeed, be difficult to show, how the suitors, for whose sake alone the professors of the law can challenge any privilege, would suffer by lowering the tone and general feeling of the bar from the pursuit of dignities and honours, to the pursuit of mere pecuniary gain. But I pass over this consideration, because the other, which I have glanced at before, seems to me to be of itself conclusive of the whole argument—I mean the constitutional necessity of keeping open for all the people of the realm, whatever be the rank, the origin, the connexion, of the individual, a path by which eminent talents, united with industry and character, may rise not only to a level with their country's nobility, but to the very head of it. Why is it that the aristocratical branch of the constitution, even in this day of general search and reform, is propped and cherished by the common consent of the people? Because it is the offspring of the people—because it has its growth from them—because it spreads its roots among them:—

> "Ergo non hiemes illam, non flabra, neque imbres,
> Convellunt; immota manet: multosque nepotes,
> Multa virum volvens durando sæcula vincit."

Sir, I have only further to add, that, with the exception of this one unconstitutional innovation, the severance of the political from the legal character of the lord Chancellor, I shall look at any other proposition of relief with the sincerest goodwill, and with the most earnest wish for its success: the more especially, because I am convinced, that upon the degree of satisfaction which the public receive from the administration of justice by the superior courts, and upon the proportionate respect accruing to the judges and to the law, will depend also that estimation and honour which, far beyond all considerations of emolument, give weight and pride and value, to my own profession of the bar.

The *Attorney-general* said, that after the observations with which his hon. friend had introduced the present motion, he could not consider it in any other light than as a motion to propose the appointment of a fourth judge to carry on the business which now came before our courts of Equity. He was well aware that the motion did not involve that proposition in terms, but he conceived it to be impossible for any man to deny that it did involve it in substance. Now, if he had conscientiously made up his mind to consider the appointment of a fourth judge in Equity necessary, he should have no hesitation in publicly saying so. But he had not made up his mind to any such conclusion; and he thought that enough had been said, in the course of the discussion, to restrain the House from affirming such a conclusion by its vote of that night. For, if a fourth judge were to be appointed, where would hon. gentlemen place him? One hon. gentleman had told the House that he must be placed in the court of Exchequer, and must take, not only that part of the Equity business which was at present decided there by the Chief Baron, but also much of that Equity business which was at present transacted in the different tribunals belonging to the court of Chancery: another hon. gentleman had set his face against that project, and had declared that he would oppose it to the utmost of his ability: a third hon. gentleman had told them, that he would separate the jurisdiction in bankruptcy from the great seal, and would transfer it to a separate and independent judge: and a fourth told them, that it would be impolitic to destroy the jurisdiction of the courts of Equity over matters in bankruptcy, since it was for the benefit of the suitor that there should always be an appeal to the Great Seal, from the tribunal which first decided on questions of bankruptcy. Other gentlemen had proposed to separate other parts of its jurisdiction from the court of Chancery; and his hon. and learned friend, who had made a long speech, but he did not mean too long a speech, would carve from it the chief part of that which now constituted its principal jurisdiction. There were thus four or five, or even six, different plans proposed for the remedy of the mischief and the inconvenience which it was said the Court of Chancery inflicted upon the country. It was notorious, too, that his majesty's government had also taken this question into consideration, and had been busily engaged in devising means for amending such parts of the present system as at the present moment appeared to be defective. His hon. friend—whose exertions on this subject he willingly admitted, and whose perseverance in attempting to frame expedients for its improvement he could not blame,—would permit him to say that, though he had now proposed a motion which affirmed that a fourth judge in Chancery was necessary, he had not followed up his motion by stating when and how that fourth judge was to be appointed. Many gentlemen in Westminster-hall had said, that he ought to be appointed by dividing the jurisdiction of the lord chief baron in the court of Exchequer, and by making one lord chief baron to preside over the common-law court of Exchequer, and another to preside over the Equity court of it. He must, however, object to that plan *in toto*. His hon. friend would make a fourth judge in another way: and what was it? By separating bankruptcy, in some degree, from the jurisdiction of he Great Seal; but no sooner was that proposition made, than up rose others to meet it with the most decided hostility. Under these circumstances, he would ask, why should the House be induced by his hon. friend to affirm an abstract resolution, which no one was ready to follow up by any practical measure of improvement. There was an inexpediency in such a course, which he, for one, could never sanction. If his opinion on this question should be asked, he would give it with that candour and fairness which its importance required. It was only twelve years since the court of Chancery received a third judge, under the title of the Vice-chancellor. Many gentlemen would recollect, that when that project was first introduced to the notice of parliament, it was asserted that a third judge was not wanted. It was said, that all the evils which beset the suitors in Chancery arose from the personal delays of lord Eldon; that two judges were sufficient to transact the ordinary business of the court, and moreover that three were not wanted to keep down its arrears. He would undertake to say, that no proposition was ever more keenly contested than that for the appointment of a third judge in the courts of Equity. Only twelve years had elapsed since that contest, and now it was asserted, not that a third, but that a fourth judge was wanted. Now, if he were convinced that the business in Chancery could not be properly conducted without the assistance of a fourth judge, he would say so frankly. He had heard it said by many gentlemen, that relief must be given to the Great Seal; but he had not heard a word said by any of them as to the mode in which it was to be given. The hon. mover had said, that by and by he would bring the whole subject of the business transacted in the court of Chancery under the discussion of parliament. He only wished that his hon. friend had brought forward, on the present occasion, all the propositions which he intended to make regarding it. He would not conceal from the House that it was his opinion that the court of Chancery stood at present in need of relief; but he had not made up his opinion, that the relief which his hon. friend wished to administer was either useful or expedient. He could not, after an experience of twenty-five years in the court of Chancery, conscientiously say that a fourth judge was necessary to transact the business which came before it; and therefore he could not accede to a motion, which substantially, if not in terms, called upon the House to appoint such fourth judge without further delay. Under all the circumstances of this case, considering that it was already under the consideration of government, and that the bench and the bar had both applied their attention to it,—considering, likewise, that they knew that both the government and the profession of the law entertained a friendly disposition to it, and were mutually striving to mitigate the mischief of the system,—why, he would ask, was the House to be driven precipitately to a vote, which, when agreed to, could not be followed up without the greatest difficulty? Instead of coming down post-haste to affirm a hasty resolution, we ought to wait with patience till a remedy was discovered for abating the grievances complained of. Would any gentleman come forward and say, "I have considered the nature of the grievances, and I have, after mature deliberation, found out a certain cure for them?" If any gentleman was prepared to make such a statement, he would assure that gentleman that he would give to his plan, the most earnest and studious deliberation in his power. For his own part, he would freely declare, that he could not concur in the opinion which a learned gentleman had delivered a year ago, in a form of expression more remarkable for its metaphorical extravagance than for its sober truth,—he meant, that three angels could not properly transact the business of Chancery. On the contrary, he was of opinion, that expedients might be contrived, whereby, with three judges, the business of the court of Chancery might be transacted, and its arrears kept down. No one would venture to affirm that a fourth judge ought to be appointed, if a fourth judge was not necessary. If the necessity for a fourth judge could be established, then it followed as a natural corollary that a fourth judge ought to be appointed. After giving to the subject mature and repeated deliberation, he could not assert that the first proposition was true, and therefore he could not consent to the corollary, and must therefore meet the proposition with a decided negative.

Mr. *D. W. Harvey* observed, that the learned member spoke of the grievances of the court as if they were only in their infancy, and scarcely discernible to any but persons of curious vision, who delighted in hunting up imaginary ills, on which to exercise a distorted fancy; that the people did not complain, for they had no cause for it. But he contended that the hon. and learned member was himself a daily memorial—an hourly witness, of the glaring defects of that court, and largely thrived by their existence. It was not, therefore, his interest to remedy a system on whose abuses he fattened—and so long as the opinions of lawyers were to sway the decision of parliament would those grievances exist, for with them abuse and profit, were synonymous terms; and if they were not the authors, they were at least the eulogists of the system [loud cheers.] The hon. member for Wotton Basset had treated the subject with great ability, yet he (Mr. Harvey) would have been better pleased if the proposition for the increase of judges had proceeded from an hon. member whose professional avocations did not expose him to the suspicion of consulting private rather than public objects. But he contended an increase of judges would be an increase of unnecessary expense. Simplify the laws and despatch must follow—and a decrease of judges rather than an increase would be the beneficial result. We heard much of improvements in the law, and of a disposition to extend them. But where was the evidence of it? Ministers substituted useless change for solid reformation, and touched nothing which simplified the laws or lessened their expenses. The Attorney-general had said it was the duty of those who advocated improvements to suggest them. This he denied. For what purpose had we an Attorney-general at an enormous expense to the country? For what purpose had we a government, which cost hundreds of thousands of pounds annually, unless they proposed those measures which the intelligence and character of the country demanded? The will to do good was not sufficient—there must be an union of will and power, and this the government alone possessed; and on them, therefore, devolved the obligation of watching the progress of decay, and of applying efficient remedies. Delay was far from being the most conspicuous evil; it might, indeed, be deemed a benefit, for it deferred injustice. The whole system required regeneration. Our laws were complicated and unintelligible—sealed to the vulgar eye, and hardly known to the lawyer. Scandalous pleadings entangled the claims of honesty, and gave security to fraud; while the ruinous costs of the law made poverty a blessing. The poor man alone was allowed to pass unheeded and unplundered. The whole was a system by which lawyers flourished and suitors decayed, and formed an opprobrium with all civilized nations. He (Mr. H.) held in his hands the bill of costs in a cause in which his majesty's Attorney-general was plaintiff. It was an information filed by that learned officer against the trustees of the Highgate Charity, for an account of its funds and the mode of their application. Great abuses were suspected to exist in this charity, as they did in others; and some spirited and independent individuals stepped forward to rescue the charity from its misapplication. The sequel confirmed their suspicion; and yet, would the House believe it, the costs of the successful party exceeded 3,000*l.*! And yet we were told the laws were equal and economical, and so they would be always considered, while lawyers were allowed to be their interpreters. This bill of costs was worth inspection. He observed an office copy of the information was charged 80*l.*; and the fee given to the leading counsel to peruse it was 88*l.* 4*s.*, and to the second 66*l.* Was this then a system to be tolerated? Was this a court to be protected from inquiry, and eulogised by crown lawyers and aspiring barristers as a specimen of matchless perfection and purity? He would repeat, no efficient inquiry had ever been made into the composition of the court of Chancery, and he was fearful there never would be. Nothing effectual could be done except justice were simplified and rendered so economical that it should be applicable to all. The learned Attorney-general would not concur in any plan which was not nicely balanced and proportioned to the subtleties of the existing system; and perhaps no plan could be devised which his keen ingenuity and subtle penetration would not be able to expose, not only as inapplicable and unfit, but ludicrous and absurd. On whom should the duty of finding a remedy for the existing evil devolve? For what purpose had they a government, or dignitaries of the law, if not to place justice on a fair foundation? The hon. member proceeded to argue against the propriety of allowing a jurisdiction in cases of bankruptcy to remain in the hands of the lord Chancellor. It was a jurisdiction, to administer which, in nine cases out of ten, every merchant of the city of London was more capable than the commissioners of bankrupts, because, generally speaking, it involved questions solely of a commercial nature. Commissioners of bankrupts were either young and briefless barristers, or men who had grown old in making the dreary round of the courts without obtaining employment. In either case the 300*l.* a-year attached to the office was eagerly seized, and commissioners of bankrupts, were fashioned out of the infancy or superannuation of the profession. Having contrasted the superior efficiency and cheapness of the insolvent with the bankrupt laws, the hon. gentleman went on to describe the bankrupt jurisdiction, at present vested in the Court of Chancery, as affording support to a colony of professional dependents, and pointed to this circumstance as the only satisfactory reason for the reluctance felt by government to sever bankruptcy cases from the Great Seal. The Court of Chancery was so clogged and loaded with abuses that it had almost ceased to be an individual execration, and had become a public nuisance. He was surprised no allusion had been as yet made to a little volume lately put forth from the Court of Chancery, and containing eighty-one orders for its regulation. Perhaps some half-dozen of these orders might be beneficial; but, take them as a whole, and they must operate as a costly fallacy. As he had no disposition to exaggerate their defects, neither had he any desire to conceal their merits. If these orders, instead of having proceeded from the high legal authority whence they had originated, had been framed by some knot of briefless junior barristers, pining for employment, and eager, by whatever means, to obtain it, he should have pronounced it impossible for any scheme to be devised better calculated to insure success, or any stratagem to have been resorted to more deserving of contempt. Every rule was an order, every order a motion, and both a fee. It was the ill fortune of every man who ever had any thing to do with the Court of Chancery to be aware of its defects. There was not a gentleman in the House, and scarcely a man in the country, who, if not in his own person, yet in behalf of somebody else for whom he was interested, but had acquired this information from dear purchased experience. It would be a waste of time to say any thing to establish the proposition that our Chancery system was monstrously hideous and deformed as it regarded the principles of law—odious for its tardiness—dangerous for its uncertainty—ruinous in point of the expense — generally speaking, unequal, cruel, and oppressive, in its operation—a source of profligate private fortune, and an unmitigated public curse.

Mr. *Sugden* said, it was not without feelings of great surprise that he had heard the hon. member for Colchester speak of the Court of Chancery in the terms he had done, and go so far as to describe it as "a public curse"; but that surprise was greatly increased when he heard gentlemen possessing property in the country, and who, from their station and rank in life, must be supposed to be, in some degree, acquainted with the Court of Chancery, unite in cheering the hon. member's expression so loudly. If he thought that expression of disapprobation applicable to the Court of Chancery, he would quit that Court instanter; but he would say, in the face of the country, that the Court of Chancery was not open to the imputations cast upon it: and while it existed as a court of justice, those only who were anxious to produce disorder in the administration of justice, would speak of it in such terms of disapprobation within the walls of that House. Such ought not to be the case—a court which had conferred so many important benefits on the country ought not to be exposed to public odium [cheers and laughter]. Gentlemen might cheer on; and though, as he was not accustomed to speak in that House, those cheers might now daunt him, but he hoped the time would come when, unawed by them, he should be able to address the House with more effect, and obtain a hearing without interruption. If gentlemen would inquire, they would discover that those who found fault with the Court of Chancery consisted chiefly of fraudulent trustees, or—[cries of no, no,]—He hoped no gentleman would think he alluded to him, or to any within those walls; but no man knew better than he did, the nature of the causes in that court; and he would repeat that the most discontented suitors were persons of very doubtful character; and it was by such persons that the vituperations uttered in that House were echoed out of doors. It was in the very nature of the jurisdiction of the Court of Chancery to prevent dispatch. A court of law could decide one action at a time, and at once, and leave the parties to bring another action on another point; but when the Court of Equity decided a case, it decided that case finally and for ever; and, therefore, it was necessary to bring all the parties before the court. Then, the nature of the cases consisted of long and intricate accounts—of dark frauds which took a long time to examine and unravel. It was impossible for a human tribunal to deal with them otherwise than by long consideration. He would contend that it was impossible to put down the jurisdiction of the Court of Equity. If it were once put down, the gentlemen opposite, on suffering loss through fraudulent accounts from a steward or trustee, would be the first to call for its revival: and that jurisdiction over accounts it was impossible to administer in a short space of time. As to the long interval said to occur between the setting down of a cause for hearing, and the time of hearing, he did not believe the representation correct. He held accounts in his hand of the quantity of business done in the branch of Equity for the last three years, and the House would find, that the despatch was such as rendered it unnecessary for them to interfere with the Court of Chancery. The Master of the Rolls and the Vice-chancellor had decided one thousand and twenty-two causes in the year 1826. The reason why they did not despatch as great a number in the last two years was, because there had been two Vice-chancellors appointed within that space, and it required some time after a judge was appointed before he could be so completely master of the business of his court as to use the ordinary despatch. It was not correct, as had been stated by the hon. member for Wotton Basset, that a year, or seven terms, passed between the setting down of a cause and the hearing. In 1827, the Master of the Rolls disposed of five hundred and forty causes, and in the Hilary Term of the present year one hundred and forty-seven causes, besides eighty-one further directions. Thus the Master of the Rolls had gone through his business in a time incredibly short — so rapidly as to leave time on his hands for hearing those causes which might be taken to him from the Vice-chancellor's court. The great evil, namely, the delay which was now complained of, would, he was persuaded, soon cease to exist.—The government had been blamed for the state of the Court of Chancery; but they did not deserve that censure, for they had many months back proved, by their readiness to grant a commission, their wish to afford assistance to the suitors in Chancery. But there was a great difference between instituting an inquiry into complaints, and adopting the sweeping resolution now before the House. The proposed measure would shackle the efforts of government; and on that ground he should oppose it. Surely the time for making that charge against government was rather ill chosen, just after they had appointed a commission of inquiry into the laws relating to property. Even so early as 1813, they had given assistance to the judicial part of the Court of Chancery by appointing an additional judge—the Vice-chancellor; and, as to any further increase in the number of the judges, there was no necessity for such increase.

The business of the court was, in fact, more rapidly finished than was generally imagined; for any suitor, really disposed to go on with a good cause, could at present, from the manner in which the affairs of the court were conducted, proceed with reasonable despatch to the conclusion of his suit. He was not one of those who looked with satisfaction at the increase of the number of judges as a remedy; for he could only see in it increased patronage, and useless expense. As to the patronage exercised by the lord chancellor Eldon, he could — and quite independently, for he had never sought patronage—declare it to have been fairly and evenly given, with reference to merits alone. The great object of lord Eldon in making appointments, was to look round the bar and pick out the most worthy. The lord Chancellor alone, however, had not been reviled: the court itself had been held up as a curse, and as calculated only to encourage delay and protract judgment. Now, he was ready to say, that a suit could be as quickly decided in the Court of Chancery as in a court of law. It was always necessary, however, to bear in mind, that the nature of the cases brought before these courts was of a very different description; and that the delay in the Court of Chancery arose more from this cause than from any other. It had been said that no decision of the Court of Chancery was final. This was not so: if there was no ground to support the first bill it was dismissed at once, and the litigation put an end to.—He never would consent to sever the bankruptcy business from the Court of Chancery: it would be most unsafe to place the important and intricate business of bankruptcy in any court but the very highest. The shocking cases of false swearing on affidavits, with which bankrupt cases abounded, required the control of the most powerful tribunal. He knew an instance in which a man swore to an act of bankrupt having been committed by a farmer in Kent; the deponent declaring that he had heard the individual call out to his daughter, "Here is such a person, say I am out." Upon an affidavit of this circumstance, the commission was sued out against the farmer, yet, upon the full bearing of the case, it was demonstrated, that no such occurrence could have taken place, from the clear way in which the individual had shown how he was occupied. There were several cases of this kind, and it was quite clear that bankruptcy jurisdiction required the nicest discrimination, and the calmest investigation.—As to what the hon. member had said with respect to the Insolvent Debtors' Court, he would merely observe that the whole aggregate of the dividends there did not amount to a farthing in the pound. Could that, then, with any propriety, be assimilated to the bankruptcy jurisdiction? In reference to the bar itself, he might assume, without fear of incurring the imputation of self-interested flattery, that it had always been a high-minded honourable body, and never more so than now. Indeed, if the profession had a fault, it was an over-anxiety to reform the law. It would be well to remember, that if any great change in the administration of justice were effected, the present lawyers—

much as they were charged with obstructing reformation—must be individually gainers by the event. After any great alteration should be made in the courts of justice, a long time must elapse before new proceedings could be fully understood, and litigation must proportionably increase. It was therefore the interest of the profession that such a change should be produced. Let men of property look to it; for they, and not the lawyers, would prove the sufferers eventually. He, as a man who had the welfare of his country at heart, was decidedly averse to a system which he could not but look upon with alarm, as being little less than revolutionary [a laugh]. Quite willing, as he professed himself, to support any measure which he thought beneficial to the public, yet, though an humble individual, he would strenuously oppose himself to schemes which he must again call revolutionary, and striking at the root of the happy system of laws under which the country had flourished for ages.

Mr. *Baring* apologized to the House for addressing it on a subject which he was little acquainted with, and requiring so much practical knowledge to understand. Yet, as the hon. and learned gentleman had appealed to the working of the laws, all were competent to judge of that part of the question, without the aid of a professional education. In addition to daily experience, which sufficiently confuted the hon. and learned member, he would mention a particular fact which had come not long ago under his personal observation. A case relating to commercial accounts, which involved no less a sum than 150,000*l.*, had been entered in the Court of Chancery in the year 1795. There did it remain, hanging on from year to year, for thirty years, although both parties were sincerely desirous of having it terminated. To aggravate these vexatious delays, the individuals themselves were meanwhile in a state of the most miserable indigence. They actually subsisted on charity, more particularly on the bounty of an hon. member in that House, and at a time when this sum of 150,000*l.* was locked up in the Accountant-general's office. They were each unquestionably entitled to a dividend of 12,000*l.*, although reduced to dependence on the munificence of others. Their solicitor, on being applied to in 1825, stated, that the decision of the case must still be very precarious. Many of the persons interested had died, and whatever should be the judgment of the chancellor, some quibble might arise to interfere with the course of justice. The other solicitor said, that he had been most desirous, all his life, to have the case brought to a speedy decision, and proposed that it should be referred to his (Mr. Baring's) arbitration the next day. To this suggestion he consented, after his friend, Mr. John Smith, had been prevailed on to share the responsibility with him. The result was, that they decided satisfactorily for all parties in two days, devoting an hour and a half each day to the examination of the case. While this sum of 150,000*l.* was lying in the Court of Chancery, these suitors were literally wanting bread; some of them were aged widows, to whom it was not of the remotest importance that they should wait twenty or thirty years more, in order to have some subtle point of law decided, in which, perhaps, the hon. and learned gentleman opposite would have delighted, as it would seem resplendent with abstract beauty to his mind. While this litigation was swallowing up the funds in dispute, the wretched suitors were living in a state of absolute want. His hon. friend the member for Midhurst, could confirm every part of his statement. He imputed no blame to any person; but this was a state of things which must excite the feelings of every man in the country. He believed that the late chancellor, lord Eldon, was a very conscientious and honourable person. There was no doubt he had administered justice in the Court of Chancery in the most perfect manner. But the system seemed to him essentially bad: it endeavoured to attain a perfection and nicety which were not practicable. The best remedy, he thought, would consist of some mode of applying the system of arbitration. He did not presume to suggest any remedy; for he knew he was little qualified to give advice on this subject. But he could not help saying again, that the essential defect of our system of Equity seemed to be, that it strained at a degree of perfection which was not attainable, by the very delay that arose in the pursuit of it. The decision frequently turned at last on some points in litigation, which were never contemplated by the parties as matters in dispute. Some subtle lawyer, in the progress of the case, found out a point which could not have been anticipated, and the suit ended differently from the expectations of every body concerned in it. When he and his hon. friend came to their decision, and made their decree, they troubled themselves very little as to the opinions of lord Hardwicke, or any of the great Equity judges. They looked only at the common sense of the question. There was a circumstance in the latter part of the case which was rather singular. When the parties had obtained their papers out of the Court of Chancery, they found a pencil-written query on the margin of one of these papers, to this effect—"Has not this case been decided long ago." This note showed no want of proper feeling on the part of the judge; but it showed that it was impossible as the court stood, for the judge to get through the business and attend to what was passing. He had not the presumption to suppose that he could suggest any remedy for these evils; but, without being learned in the law, it was within the observation of all persons, that nothing could be more ruinous or unjust than the mode of deciding questions of property in the Courts of Equity. As they were now existing, he knew they were the objects of admiration and praise with the lawyers; but, as for the suitors, there were no practical means of obtaining justice in a reasonable time; and when they did obtain it, it was frequently at the expense of half the property. If any traveller were to come from a remote part of the world—from China for example—for the purpose of making inquiry into the state of the legal institutions in this country—which was called, and not unjustly, the most civilized community in the world—in order that he might make a report to the government to which he belonged of the state of the law, and of the expense and delay in the courts of justice in deciding questions of property, a faithful statement of the truth would make our practice, from its over refinement, seem to be that of the most barbarous people among whom law could be conceived to exist. A case had been lately mentioned in the newspapers—one of the last of those decided by the late chancellor—which illustrated his remark. A nobleman, it appeared, had appropriated 50,000*l.* in consequence of some proceedings before the lord Chancellor, to pay the expenses of determining whether he was sane or not. What would a man from the other side of the world say to such a fact as this? Here was a person of large property, certainly; but to decide whether or not he was in his senses, a cost of 50,000*l.* was incurred. Feeling in common with the rest of the country, that some remedy was necessary for these evils, it was his duty to call the attention of ministers to the subject. He had great respect for the members of the legal profession. He agreed, that the lawyers of this country included as great a number of independent and honourable men as in any profession in the world. But still he firmly believed, that, as long as the reform of the law was left in their hands, the public would never succeed in obtaining effectual relief. He did not know in what hands the Secretary of State for the Home Department had placed the inquiry into the state of the Common-law; but he hoped it would not be solely confided to lawyers; for such was the natural prejudice of the learned gentlemen for the secrets they had been all their lives studying, that they attached a much greater value to them than they really deserved. In some individuals, he was aware a less amiable feeling prevailed, which produced the same consequences. He had never seen any commission of lawyers which had done any good in the reform of the law, though there had been searching inquiries enough into other branches of the institutions of the country; but whenever government had attempted to touch the abuses of the law, they had been resisted by a power which they were not able to overcome.

Mr. Secretary *Peel* felt that he owed the same apology to the House as had been made by the hon. gentleman for venturing to enter into a question of this nature, involving so many matters of a professional nature, having neither the education nor the experience that would qualify him to discuss it fully; but he had an additional disadvantage, or perhaps he might call it an advantage—that he had not had any practical acquaintance with the court of Chancery. The hon. member for Colchester had seemed to consider that some peculiar responsibility devolved on him (Mr. Peel) on account of the state of the court of Chancery. But it must be evident to the House, that it was utterly impossible that he, without any professional knowledge or experience, could undertake himself to reform that court. He could only admit that he had a share of that responsibility, if he had obstructed any inquiry for which sufficient ground had been laid, or if he had refused his assent to any measure, with that view, for which a strong and overwhelming necessity had been shewn. He denied the charge wholly. He had never withheld his assistance in the reform of that, or of any branch of the law. He trusted, that in the course of the present session, he had given proof that he was not indisposed to lend his co-operation in any amendment of the law, and he would still further shew his feeling when the inquiry was completed. The hon. gentleman who spoke last, had referred particularly to those commissions which had been issued immediately on his (Mr. Peel's) suggestion, but principally on that of the learned gentleman opposite (Mr. Brougham), and the hon. gentleman had cautioned him against placing persons on them, who, from their professional prejudices, would be disinclined to lend their aid to useful reforms. He assured that hon. gentleman, that the appointment of those commissions had engaged his most serious attention. One of the commissions, that for inquiring into the practice of the Courts of Common-law, was now completed; and he was ready to give every information as to the terms of it, or the persons of whom it was composed. He assured the House, that in selecting the commissioners, he had not been swayed by any personal predilections or partialities. He had not the slightest acquaintance with one of them. Not one of them had applied to him to be appointed. He had conferred no favour on them; for he had to solicit them to take on themselves the office. He had named them, because, in his honest conviction, they were the persons best qualified for the performance of the duty. The hon. gentleman had cautioned him against appointing lawyers on these commissions; but how was it possible to conduct an inquiry into a matter purely technical, if the lawyers were altogether excluded? It was of very great importance that the confidence of the public should be reposed in these commissions. The names would show that it was impossible he could have appointed them with a view to their parliamentary services. He really did not know the political feelings of any one of them. Nobody included in the commission was connected with office. It was limited to five persons, and whoever heard their names would recognise them as engaged in almost the first practice of their profession. Still they had undertaken it, with a determination to discharge their duty zealously. The country, therefore, had as strong a security as it could possibly have before-hand in the character of the commissioners. The other commission was equally important—that to inquire into the law relating to the transfer of real property. The first was completed, and the other would be completed as early as possible, with reference to the persons who were to compose it.—With respect to the present question, he would not enter into any details of particular cases. He would only apply to the consideration of it on those general principles, which, without any professional experience, he might apply. He should take an intermediate view between those which had been stated in the course of the debate that evening. He would not admit the justice of the unqualified terms of reprobation which the hon. member for Colchester had applied to the court of highest jurisdiction in this country. He was sure that his hon. friend who brought forward the motion did not wish its character to be taken from that speech. In the motion he did not concur; but still less did he concur in the terms of obloquy in which the court of Chancery and its judges had been attacked, as well as the members of the legal profession generally. He would leave it to some of them to vindicate the honourable profession to which they belonged; as he had no doubt they would do triumphantly. In the course of his inquiry into the Criminal-law, he had had some intercourse with them, and he could bear testimony to the disinterested co-operation they had given him. He could not agree with his learned friend (Mr. Sugden), that no remedy could be effectually applied to the defects of the law. He thought that alterations might be made, after deliberate inquiry, which would be very important in their results. These alterations would be in the practice of the courts: their object would be to make the decisions more speedy, and to lessen the expenses of the suits. There was a great deal of truth in the observation of his learned friend, that changes precipitately made, led in their consequences to more litigation, by unsettling the decisions, and, instead of diminishing the expenses, increasing them, by rendering the law more uncertain. The proposition of his hon. friend was not for any inquiry of a specific nature, but generally without pointing out what, that there should be something done. It was an abstract proposition, without any particular measure. It was a compendious expedient to pronounce that something should be done, but it gave no notion of the measures to be introduced. His hon. friend had stated, that in a short time he intended to enter more deeply into the subject, when he would make known what specific measure he would propose as a remedy for the evils of the court of Chancery. If that was his intention, he would rather wait till his hon. friend would enter at large into the subject. Instead of acting on his hasty and superficial view, he would prefer to hear his whole and mature proposition. He trusted, therefore, that his hon. friend would consent to withdraw his motion, and not call on the House for any opinion on so loose and indefinite a motion as the present. When he was able to explain specifically what remedy he intended to apply, it would be time enough for the House to interfere.

Mr. *M. A. Taylor* said, he had never considered that he was called on to bring forward any measure as a remedy for the evils of the court of Chancery, but he had merely stated, that he had prepared some outlines of a remedy, and probably might hereafter state some specific proposition.

Mr. Secretary *Peel* resumed:—Having the intention, then, on some future day, to call the attention of the House to a specific proposition, he would ask again, whether it would not be better to reserve this motion until he could bring before the House the whole question complete? As yet his hon. friend had mentioned only one particular proposition, on which serious doubts were entertained; that of the separation of the bankruptcy jurisdiction from the Great Seal. The hon. gentleman also proposed some additional aid to the Court of Chancery. On the former proposition, he, last session, had made a specific motion, and his hon. friend must recollect, that he was opposed by some of the highest legal authorities, who had expressed their doubts as to the policy of the measure. Many of them were of opinion, that no material alteration of the constitution of the court was necessary, as they considered it possible that the court could retain the jurisdiction of bankruptcy, with three judges to do the business of Chancery. There was an unwillingness manifested, on that occasion, to come to any decision, in order that the House might have experience of the labours of the judges before it legislated.—In discussing this question, two matters must be borne in mind; first, whether it was desirable there should be any alteration in the practice of the Court of Chancery? So far as the law of real property was concerned, this would be included in the inquiry of the commission which would shortly be appointed. The commission which his hon. friend had praised in such warm terms, was appointed to inquire into the practice of the Court of Chancery. His hon. friend treated lightly the volume which had appeared a few weeks ago, under the authority of the lord Chancellor, the Vice-chancellor, and the Master of the Rolls, containing eighty-three orders for the regulation of the Court of Chancery. All those orders were founded on the recommendation of that commission, in which his hon. friend had such full and entire confidence, that he adverted to the evidence taken before it as the groundwork of his motion. These eighty-three orders were all founded on that report, and they were not all that his noble friend, the lord Chancellor, meant to issue.—His hon. friend should bear in mind the circumstances in which government were placed, since he last year had addressed the House on this subject. During the intermediate time he should consider what must have been the occupations of the lord Chancellor, which, though they did not prevent him from attending to the business of his court, had entirely prevented him from considering the changes that should be made in its constitution. The present government itself was constituted only one week before the meeting of parliament. The hon. gentleman, therefore, ought not to convey reflections on government because they had not been able to bring forward any general proposition for the reform of the Court of Chancery. He apprehended, it was impossible to deny the great arrear of causes, and of business generally, in that court; and it was equally impossible to deny, that it would be a manifest advantage, not only to the suitors of the court, but for the public at large, and for the character of the country, if causes could be conducted at less expense, and decided in less time. Delay not only added to expense, but to anxiety, and that suspense was almost a worse evil than adverse adjudication. These were subjects, which, of course, the government was not unwilling to consider, while it was admitted that there was a greater arrear than ought to exist; but, it ought to be recollected, that it was a diminishing arrear, although perhaps it did not diminish sufficiently fast, so as to leave the court, at any period that could easily be fixed, free for the decision of new matters. The topic of the Court of Chancery had been necessarily mixed up with others of high importance which had pressed upon his (Mr. Peel's) attention; but, nevertheless, he had had frequent conferences on the subject with a view to alteration. It was not to be disputed that there was a considerable and an accumulating arrear in the King's-bench, arising from no fault of the judges; who devoted as much time as it was possible for men to apply to their duties. The lord Chief Justice, and Mr. Justice Bailey, had both made representations to him upon the subject, and the point touched upon by the learned member for Wootton Basset (Mr. Twiss) had also engaged the attention of government. Here, then, were two courts—the Chancery and King's-bench—overwhelmed with a mass of business. In one instance, the mass was so ponderous that Mr. Shadwell had declared that it would require not three human beings, but three angels, to get through it.

Mr. *Brougham* observed, that Mr. Shadwell's statement was, that three angels could not get through it.

Mr. *Peel* trusted that, as that gentleman had been advanced to the bench, and had thus become one of the three, he would display not only human strength, but something of the angelic powers to which he had alluded. If, then, three judges were unable to overcome and to prevent the accumulation of the arrears, the next question was, whether any permanent provision ought to be made for the discharge of the duty; and he was sure that it would not be fit to appoint a new judge, until it had been established that the present number was insufficient. The multiplication of judges and of judicial establishments did not, in his opinion, tend to facilitate the transaction of business. Appeals from one judge to another had decidedly a contrary effect, and constituted one of the chief evils of which we had now to complain. What he contended was, that sufficient experience had not yet been obtained, to enable the government or the House to decide, whether there should or should not be a permanent addition to the judicial establishment of the kingdom. If it were found necessary, the country would not grudge the expense; but the necessity ought first to be established. A plan had been suggested of making the Court of Exchequer more efficient. At present it exercised three jurisdictions—equity, revenue, and common-law; and the limitation of the business had been attributed to the fact, that a certain number of solicitors only were qualified to practise in it. He bore willing testimony to the great ability and learning of the barons of the Exchequer, and that the small quantity of business was not to be ascribed to any deficiency on their part; but, certain it was, that, compared with the judges of the King's-bench and Common Pleas, they had little to do. The learned member opposite (Mr. Brougham), had suggested the opening of the Exchequer to attornies generally; and the quantity of revenue business had of late been so decreased by the new laws regulating the Customs and Excise, that in future it was not likely to occupy any very material portion of time. The equity business of the Exchequer, excepting in tithe cases, gave little relief to the Court of Chancery: if, by the addition of another judge, or in any other way, it could be made efficient for that purpose, an important object would be gained; and he believed that this addition might be made without augmenting the establishment of inferior officers in the Exchequer. If it should appear that, when the present amount of arrear was wiped away, the Court of Chancery, as now constituted, would be sufficient for the current business, there might be an advantage in the appointment of a commission, temporary in its duration, to assist in removing the existing accumulation. He forbore from expressing any opinion upon these points, and he had only adverted to them to show that they had not escaped the attention of government. They were, however, involved with other considerations of importance; and that of expense only was enough to induce ministers to pause before they adopted, definitively, any of the alternatives offered to them. With respect to the precise motion, he thought he had good parliamentary grounds for resisting it, without incurring the imputation of an endeavour to procure delay. He was unwilling to assent to an abstract proposition; especially when the hon. mover himself had given notice of his intention to submit a more specific motion on a future occasion. There was no ground for any reflection upon government, and such a proposal was not usually persisted in, unless there were good ground for thinking, that government was determined to resist all inquiry and to impede all remedy. If the hon. member found that the subject was neglected, he might revive it hereafter; and, in order that he might do so more conveniently, he would not meet the motion by a direct negative, but by the previous question, which would not require the House to pronounce any decided opinion.

Sir *J. Scarlett* concurred with the right hon. gentleman, that the proper time for coming to a decision was when a specific motion was brought forward; but after what had already passed, he thought there was no necessity for the indefinite proposition in the hands of the Speaker. If his hon. friend had proposed a motion for the purpose of engrafting upon it a bill, he might have voted differently; but as his hon. friend stated, that the subject was to be brought under consideration again, this was a good ground for voting against the motion. He was disposed to concur with the right hon. gentleman, that the number of judges ought not to be increased. He recollected the opinion expressed by the late sir S. Romilly, that no addition was required to the number of judges in the then Court of Chancery. Even if it were a question of doubt, he should be disposed to wait until the present Chancellor had had an opportunity of trying the effect of such reforms and amendments as it was known he was disposed to introduce, to facilitate the practice of the court. From a long and intimate acquaintance with that noble person, he was satisfied that it was his sincere desire to remedy existing evils, and not to oppose prejudice to the real utility of propositions for the improvement of the Court of Chancery. He did not contend that the Court of Chancery did not require improvement; but improvement was not to be had by increasing the number of the judges, but by an alteration of the forms of procedure, and by facilitating the progress of causes. One of the chief difficulties of the Court of Chancery was, that the same individual had to determine both the law and the fact. It was the same in other countries, and was attended with similar inconveniences. It was impossible, in a complicated case, for the same individual to judge of the law and the fact, from the same argument, too, without great delay and inconvenience. It occurred to him, that a very useful improvement in the course of proceeding in the Court of Chancery would be to separate the adjudication of the law from the fact. The right hon. gentleman had said, that he would leave to the gentlemen of the bar the task of vindicating themselves from the reproaches cast upon them by the hon. member for Colchester. He thought that before that House, the bar of England required no vindication. With those who from education, connection, or long intercourse, had become acquainted with the members of the bar, in this and in the other House of parliament, he was sure it would not suffer from the imputations to which he alluded. He did not deny that at some periods, into so large and mixed a body, individuals might have been introduced, whose characters and conduct had thrown a slur upon the profession; but those who, of late years, had been intrusted with the duty of preventing the intrusion of unworthy candidates, had not been deficient in watchfulness to exclude those who, from a spirit of chicanery, and a deficiency in the upright feelings and just principles which distinguished gentlemen (although in some cases not unaccompanied by great talents), were deemed unfit to become members of this branch of the profession. Their endeavour was to vindicate the bar by purifying it; and in many instances, he was happy to say, their efforts had been attended with success. But of all the charges against the bar of England, that was the least deserved which was derived from the pay they received; their emoluments were purely honorary; and if he knew any thing of the early history of the hon. gentleman, he must know that a suitor was entitled, on any terms, to the assistance of the profession; therefore, to speak of it as a mercenary profession, was to use the language of ignorance for the purpose of invective. A more unjust and at the same time a more absurd reproach had never been attempted to be cast upon the bar, than that of doing half the labours for their fee, when the fee was in the option of the party giving it. It was easy to make an attack on an individual. He did not shrink from the charge of being a moderate reformer. He should be glad if those who attacked character would display equal talent when called to defend one. The most ignorant might attack and destroy an edifice, but it required wisdom to build it up. He was not against reform, but the best way to reform was to conduct it with temper. It was impossible in a country like this, that property could be secured without expense. His hon. friend near him had referred to a case in which he had prevented parties from being involved in an expensive process of law. It happened to every professional man that he often advised his client not to proceed, and told him that his case was doubtful. But the clients say—"We do not care for that; nothing will satisfy us short of a judge and jury." If the parties, in the case mentioned by his hon. friend, were disposed to get the 150,000*l.* out of Chancery by arbitration, well and good; but if all persons having questions of that kind did the same, there would then be no settled rules for property. If it was necessary to have rules, there must be men who understood those rules, and could apply them. It was certainly a difficult thing to get property out of the Court of Chancery, and he always advised persons not to pay money into that court if they could help it; but he did not think that this difficulty was any imputation upon the court. He should support the amendment of the right hon. gentleman, because he did not think it was fit that the House should vote upon an abstract question.

Mr. *Brougham* wished to say a few words, that the grounds of his vote might be clearly understood. He agreed that it was, at all times, inconvenient to vote abstract propositions; and, if he understood it rightly, there was one part of the motion to which he could in no way agree. With all respect for his hon. friend, to whom the country was under such weighty obligations for benefits conferred, especially in reference to the Court of Chancery, he could not concur in his proposition of that night without abandoning the principles he had uniformly held and declared. He was called upon to assert, by the motion; not merely that certain great evils exist in Chancery, attending the mode of proceeding and the construction of the law (for to that extent he might be willing to go), but to declare the affirmative of that proposition of which he had maintained the negative from the time when the subject of the Court of Chancery was broached in the year 1811 down to the period when it was introduced by his learned friend, Mr. Williams, then member for Lincoln. It formed the conclusion of the motion in the hands of the Speaker, and declared the inadequacy of the machinery of the court, as at present constituted. For his own part, he was satisfied that there were judges enough, and officers enough, to administer the equitable jurisdiction of the country, without any arrear, if they duly bestirred themselves in the exercise of their functions, and called to their aid certain plain and easy reforms. Great part of those reforms might be made by themselves as matters of practice, and to the rest attention had been directed with a view of obtaining legislative assistance. He fully concurred with a great light, unhappily now extinguished—a high authority upon all subjects, but still higher upon those relating to the laws of the country, and more peculiarly to be revered and followed upon that branch of jurisprudence with which he was peculiarly conversant—he need hardly say that he meant sir S. Romilly—who had declared, not from hearsay, not even from mere accurate observation, but from daily and hourly practical personal experience—that not only three Equity Judges would be sufficient, but that the third judge then recommended to be appointed was unnecessary. This opinion he gave not once, but as often as the subject was brought before the House, and stated his convincing reason most elaborately and impressively, as many present would recollect, and as others might read in the records of parliamentary history. In 1812, or the beginning of 1813, sir S. Romilly opposed the Vice-chancellor's bill, and urged, that if the two judges then existing did their duty, with a few slight changes in the practice of the court, they might get through all the business brought before it. It might be said, that the business had since increased; but the very adoption of the measure opposed by sir S. Romilly had materially contributed to that increase. The bill being carried, the office of Vice-chancellor was created; and thus half as much more judicial power was given, or was supposed to be given, to the court. It was naturally thought by some, that three judges must be adequate to all the business, and to get rid of the arrear. But were not two judges formerly quite sufficient? Was there any arrear under lord Thurlow, or lord Loughborough? [It was intimated, across the table, that in the time of lord Loughborough there was some arrear in Chancery]. There might be a slight arrear; but it did not deserve the name, as compared with the vast accumulation of the present day. He was happy to be able to say that the arrear was not on the increase at the present moment; that it was not even stationary, for it had been considerably reduced. He also founded his resistance to the latter part of the motion, upon the fact, that previous to the last twenty or twenty-five years, and without a Vice-chancellor, business, at one time, was got through without any arrear; and at another with a very trifling arrear, by the predecessors of the late lord Chancellor. But, in spite of the increased judicial power since 1813, there was still a heavy arrear; and it might be said, that the existence of that arrear increased the slowness and difficulty in hearing and determining new business, while, without that arrear, the judges would be competent to the despatch and decision of the new business. In courts of justice it might be as it was in the private affairs of an individual; in point of economy, where a man had only a limited income, it was good policy to start him in the world without any accumulation of debt; and on similar principles, it would be wise to start the Court of Chancery afresh, without any arrear of business. On this account he had listened with the more favour to the proposition of the right hon. gentleman, for appointing a temporary commission to get rid of the existing accumulation of causes, and thus starting the three Equity Judges fairly and without weight, ascertain whether they could not keep pace with the current business of Chancery. His opinion with respect to the division of business between the Courts of Equity and the Courts of Law was well known. He differed widely on that point from his learned friend the member for Weymouth. He had said, and he repeated it, that a great change was necessary. As much as possible of the business which had, of late years, got into the Courts of Equity ought to be drawn back to the Courts of Law. If that were done, not only would justice be administered more quickly, more satisfactorily, more cheaply, and more surely, and not only would much of the ruinous expense, which at present was so disgracefully attached to the administration of justice, be got rid of; but, instead of there being any doubt, whether the three Equity Judges were sufficient for the despatch of business, the only doubt would be whether they were not too many. As, however, this was a subject which he hoped was in a train for thorough discussion elsewhere, he would abstain, at present, from saying any thing more upon it.—He would now beg leave to say one word with reference to the learned lord on the woolsack, and to the learned judges who were that learned lord's coadjutors in subordinate courts. He was quite ready to agree with those who had expressed their confident hopes that these three learned persons would be found perfectly adequate to the discharge of the important duties imposed upon them. With regard to the late Vice-chancellor, now the Master of the Rolls, his character for ability, learning, perseverance, and diligence, was too well known to render it necessary for him to say more than that there never was a more diligent and active judge, or one who devoted more time to the business of his situation, or one who, in a given time, got through so much business. He had also great confidence in the talent and learning of his learned friend the present Vice-chancellor. Undoubtedly it would be rash to pronounce any decided opinion on this the very morn of his judicial day; but, knowing his general capacity, and his eminence at the bar, he had great expectations that his learned friend would be equally distinguished in his judicial capacity. At the same time, it certainly did not always follow that an able man at the bar made a good judge. God forbid that he should be supposed to throw out the slightest doubt upon the subject; but experience was still wanting with respect to it. As to the learned lord at the head of the Chancery Court, he agreed with his learned friend opposite, that, to a certain extent, that learned lord was new to the practice of Courts of Equity. He must undoubtedly have had considerable difficulties to encounter in the discharge of his high office. As, however, it was acknowledged on all hands, that he was a man of great talents and knowledge, it was impossible not to feel confidence that he would go on with the same success as other learned persons had done, who had gone into Courts of Equity from Common-law courts. About a year ago, he had expressed his unwillingness not to try what might be accomplished by the arrangement which then existed. A twelvemonth had elapsed, and the arrears had not increased; they had not even been stationary; they had diminished. With that diminution his confidence had naturally grown. — The other observations which he wished to make, related to the inquiries which were now going on upon the subject of legal reforms. In these matters the country felt a deep interest. In no one subject were they more anxiously interested, not even in economical reform, retrenchment of public expenditure, and relief from taxation; for, popular as all these questions were, he doubted if even these moved the public mind more deeply than the reform of our system of jurisprudence; and, for this plain and obvious reason,—men had at length begun to feel, be their hopes ever so fond, and their expectations from the Finance Committee ever so sanguine, that, as long as the debt, the dead-weight, and the pension list, continued, it was impossible that any sum which should bear a large proportion to the millions which they must pay for the debt, and the interest of the debt, could ever be removed. That being the case, men naturally looked at other parts of our system which ~~came home~~ to them, and pressed heavily upon almost all, and were more burthensome even than their taxation. His opinion was founded upon an extensive correspondence in which he had been engaged since the question of reform in our jurisprudence had occupied the attention of the House—a correspondence, in the profession and out of it, with those very persons to whom the learned member for Weymouth had alluded, not as victims of the abuses of the law, but as victims of the reforms in the law which that learned member apprehended. He meant men of property, mercantile men, landed men, men who groaned under the effect of the law of real property, under which it was so difficult to tell whether they had a title to the property in their possession, how they could make a title to property they might be going to purchase, or to the fortune they might inherit. It very often happened that mercantile men did not know what funds belonged to them and what to others; who their partners were, or whether they had any partners at all. Good as he believed some parts of the mercantile law to be—good as he believed the common law part of it to be—yet a more vicious and enslaving system than the law relating to partnerships did not, in his opinion, exist. Now that the people were suffering under these abuses, they felt anxious that the law should not exist as it was, but rather that it should be superseded by almost any other system.—He had been induced to mention these circumstances, to show the acute feeling of the country on the question of legal reforms. There had been no disposition expressed on the part of government to oppose these reforms; but then, though it mattered little what the form might be, yet every thing depended on the constitution of the commissions—on the individuals who were to compose them. His learned friend had observed, that professional men ought not to be objected to, because it might be said that they were interested in the preservation of the present system. Nothing could be more just, nothing more practically true. Lawyers were not interested, *quasi* professional men, because, far from lessening their business, every such change had a direct tendency to increase it. But men were not always actuated by interested motives. Those who had been long used to the system had another bias, quite as dangerous and as strong, though not so sordid. Some men were prejudiced in favour of a system in which they had been born and bred: they loved the mysteries which they had spent so much time in learning; and they did not like the rude hand which would sweep away the cobwebs, in spinning which they had spent their midnight's oil and their days for, perhaps, half a century. This it was, and not their interest that he dreaded; and therefore, he said, that neither judges, whether chief judges or puisne judges, nor men who were on the verge of being made judges, were the persons best suited to effect a change in the system as it at present stood. He wished to touch lightly and delicately on this matter, as one of the commissions was not yet appointed, and that which was appointed had not yet begun its operations. The latter was past praying for: but for the other, he must express his anxious hope that the greatest care would be taken in constituting it. He would rather it should be composed of three than five; but five he thought quite enough, and he would have such persons named as were totally free from any thing like professional bias or prejudice. That they were here placed between two difficulties, he admitted. They might find a man who had no bias, and who might, for that reason, be the less informed upon the subject; but if they could find men in the profession—and such men did exist—who were not only eminent lawyers, but who joined practical knowledge with an extensive and general acquaintance with the law—if they found such men as these, and did not appoint them, then he knew what the conclusion would be. The world at large would see that they had chosen men, not because they were good lawyers—not because they were strong in equity—not because they were powerful in real property—but because they were weak reformers, because they were powerless in inquiring into abuses, and because, though they could not refuse the investigation, they were determined that the system should pass the ordeal with as little damage, with as little change as possible. *Tertium nullum constat.* They must either choose good men who would reform, or good men who would not reform. The government had given a pledge, that they were desirous of reform; and, if it were not redeemed by a properly constituted commission, they would defeat the just, general, and ardent expectation of the country. He wished to state this in time. He meant no offence to those persons to whom he had alluded. He had no distrust in the lord Chancellor, or in the right hon. Secretary, with whom these appointments rested; but if he had omitted on the present occasion, in the interval between the appointment of the one commission and the near appointment of the other, to express the fears which he entertained—fears founded, he did not deny, on rumours which had come to his ears—and should no good hereafter result from appointments from which he had fondly expected much, the House would have a right to complain; and those out of doors, who had confided in him when he brought forward this inquiry, would have a right to blame him, if he had not spoken his mind upon the subject. One word more with respect to the evil of an improper appointment of the second commission. It would not only defeat the hopes entertained of great improvement in the law of real property, but it would also most injuriously indicate to the commission already appointed what was the disposition of government on the subject. If the members of the first commission saw that certain persons were chosen, or, on the other hand, that certain persons were omitted in the formation of the second commission, they would naturally conclude that government were not over anxious for reformation in the state of the law. Whatever might be their instructions, they would look at facts rather than at words; especially in matters of a personal nature. Such were the observations which he had felt it his duty to make; and he had made them with pain and anxiety; because he was aware that the tendency of all remarks of the kind was to assume the appearance of invidious objection to individuals. His objections, however, were far from being of a personal description, and were exclusively such as he had stated.

After a short reply from Mr. M. A. Taylor, the House divided: For the motion 42; For the previous question 91; Majority against the motion 49.

List of the Majority and of the Minority.

MAJORITY.

Alexander, H.
Alexander, J.
Apsley, lord
Arbuthnot, rt. hon. C.
Ashley, lord
Atkins, J.
Balfour, James
Bankes, H.
Bankes, G.
Beckett, sir J.
Brecknock, lord
Boyd, W.
Buller, Charles
Calvert, John
Campbell, arch.
Carrington, sir E.
Cockburn, sir G.
Cole, Arthur
Cooke, sir H.
Cooper, R. B.
Courtenay, T. P.
Dalrymple, A. J.
Dawson, G. R.
Dennyson, J.
Dotten, A. R.
Downe, lord
Dundas, R. A. Ipswich
Drummond, Home
East, sir E.
Eastnor, lord
Eliot, lord
Elphinstone, col.
Fitzgerald, rt. hon. V.
Foster, hon. J. L.
Fremantle, sir T.
Gordon, John
Goulburn, rt. hon. H.
Graham, Marquis
Greene, T. G.
Greville, hon. sir C. G.
Hart, G. V.
Hay, Adam
Harrison, Battley
Herries, rt. hon. J. C.
Hill, sir G.
Holmes, W.
Horton, rt. hon. J. W.
Hotham, lord
Huskisson, rt. hon. W.
Innes, sir H.
Lamb, rt. hon. W.
Lennard, T. B.
Lester, B.
Lewis, rt. hon. T. F.
Littleton, E. J.
Lockhart, J. E.
Lott, H. B.
M'Leod, R.
M'Kenzie, sir J.

Malcolm, N.
Maryatt, J.
Martin, sir T. B.
Maxwell, H.
Moore, G.
Mountcharles, earl
Morrison, J.
Norton, G. C.
North, J. H.
Owen, sir E.
Pettit, L. H.
Palmerston, lord
Peachy, general
Peel, right hon. R.
Peel, Laurence
Prendergast, M. G.
Robinson, G. B.
Rose, sir G.
Rae, sir W.
Ross, John
Saunderson, A.
Scarlett, sir J.
Sibthorpe, C. D. W.
Somerset, lord E.
Spottiswoode, A.
Sugden, E. B.
Trant, H.
Talmash, L.
Talmash, F.
Thynne, lord W.
Tindal, sir N. C.
Ure, Masterton
Villiers, T. H.
Wetherall, sir C.
Wortley, hon. L. S.

TELLERS.

Sir G. Clerk
J. Planta.

MINORITY.

Bernal, Ralph
Carter, J. B.
Clive, E. B.
Compton, Samuel
Denison, W. J.
Dundas, hon. T.
Dundas, H. G.
Dundas, sir R.
Ducane, P.
Easthope, J.
Ebrington, lord
Ennismore, lord
Fergusson, sir R.
Forbes, John
Gordon, Robert
Graham, sir J.
Grattan, James
Harvey, D. W.
Heneage, G. F.
Hume, Joseph
Knight, R.
Lumley, S.
Marjoribanks, S.
Martin, John
Marshall, William
Maberly, colonel
Maberly, John
Palmer, C. F.
Pendarves, E. W.
Ponsonby, hon. F.
Protheroe, E.
Russell, lord W.
Sebright, sir J.
Smith, W.
Stuart, H. V.
Townshend, lord C.
Twiss, Horace
Waithman, alderman
Warburton, H.
Wilbraham, G.
Wood, alderman
Wood, John

TELLERS.

Lord Rancliffe,
M. A. Taylor.

HOUSE OF LORDS.

Friday, April 25.

Corporation and Test Acts Repeal Bill.] On the order of the day for taking the Report on this bill into further consideration,

The Earl of *Eldon* said, that, having an alteration to propose in the preamble of the second clause, he should move that the following words be left out:—"And whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government, thereof, and the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government, thereof, are by the laws of this realm severally established permanently and inviolably." His reason for wishing those words to be left out was, because he thought that that clause had been most insidiously introduced into those bills, from which it had been most incautiously borrowed. The preamble set forth that the doctrine, discipline, and government, of the Church were severally secured and yet they could not be secured if the laws of the realm were altered with respect to that which no man living could doubt were acts which, by the Union, were meant to be preserved as statutes then in force for the security of the Church of England. He strongly contended, that their lordships ought not to leave this clause standing as part of the present bill. It was not, however, his intention to divide the House upon his motion; his object in moving it being merely to have it entered upon the Journals.

Earl *Grey* hoped, that the assurance of the learned earl, that he would merely move his amendment *pro forma,* would be better observed than a similar assurance made by the same noble earl last night had been. He had then assured their lordships, that he had no intention of dividing the House upon an amendment proposed by him, his only object being to have it entered upon the Journals; upon the faith of which assurance, several noble lords went away. Nevertheless, the learned earl thought proper afterwards to divide the House upon his motion, behind the backs of those noble lords who had so left the House. In point of order, it was not competent to the learned earl to make this proposition now; for their lordships had already passed the preamble of the bill. The learned earl, their lordships would recollect, had moved the introduction of certain words into the preamble of the bill. That proposition was negatived. Their lordships then proceeded beyond the preamble, and the learned earl moved the introduction of the words "that I am a Protestant" into the Declaration. Now, that motion was under discussion, when it was agreed, in order to give noble lords an opportunity of more maturely considering its effects, to adjourn the further discussion of it until to-day. Therefore, he repeated, that in point of order, it was impossible for the learned earl to make his present proposition in this stage of the bill. But it would be competent to him, at a future period, when the clause came to be put, to object to it altogether; or he might propose any amendment he pleased upon the third reading of the bill.

The Earl of *Eldon* denied that the House had come to that stage of the bill, in which he had proposed to insert the words "I am a Protestant." On the contrary, a motion was made for the postponement of the further consideration of the report, before he could move the insertion of those words in the Declaration. The noble earl, too, had mistaken what he had stated as to his intention in moving these amendments. He had not said, that he moved them only for the purpose of putting them formally on the Journals; and when that charge had been brought against him last night, he understood that he was entirely acquitted of it. He would be sorry to bring their lordships' proceedings into confusion. No man was more desirous than he was to conform to their orders. He would rather that this faulty, miserable, wretched bill, should pass without any amendment, than be guilty of a breach of the orders of the House. But he maintained that he was not out of order, and that it was fully competent for him to make this motion; and he was the more inclined to persist in making it, after the objections that had been urged against it. He would withdraw his amendment, however, out of compliment to the noble earl; but, on the third reading, he would take the sense of the House upon it.

Earl *Grey* said, that the learned earl now offered to withdraw his proposition in compliment to him; but he wanted nothing from the learned earl out of compliment. He repeated, that the proposition could not now be brought forward. He had referred to the printed minutes and they fully bore out what he had said. In those minutes there was this entry:—"It was then moved, that after the word 'that' the words 'I am a Protestant' be inserted; which being put, the further consideration of the motion was adjourned until tomorrow."

The Earl of *Eldon* said, upon his honour, he never did move that amendment. He knew it was so upon the minutes; but he would assert that whoever had placed it there, had done so without being warranted by the fact.

The *Lord Chancellor* said, that the course of proceeding last night had been this—the learned lord moved an amendment, which was negatived; he afterwards stated, that he meant to move another amendment, introducing the words "I am a Protestant" into the Declaration, and proceeded to state the grounds on which he meant to move that amendment. Some noble lords then proposed that the subject should stand over till to-night, in order to give them an opportunity of considering it; upon which it was moved, that the question be adjourned to this evening; but he did not think that his learned friend had moved his amendment.

Lord *Holland* said, that whatever might be the learned lord's recollection of what took place last night, there was the document from which it appeared that the motion was made; and, if any additional proof were necessary, it was to be found in what had been stated by the learned lord, who said that two speeches had been made upon it; because, who ever heard of any noble lord getting up and making a speech to-day, in support of a motion which he intended to bring forward tomorrow? It was clear, therefore, that that question was decided. The noble and learned lord, however, seemed to disregard the records of the House, and called upon the House to take his assertion in preference. Now, he (lord Holland) was—"a plain blunt man;" but only let him suppose that he, or any of his noble friends had attempted to deny the authority of the records of that House, what dreadful consequences would they not be told would ensue from trampling under foot all the sacred rules, and usages, and customs, handed down to them by their ancestors! If such a proceeding as this were to be allowed, any man who, after a measure had been carried, wished to defeat that measure, would have nothing to do but to say that the motion had not been made. Their lordships must be bound by their own records. The learned earl, however, fortunately for himself—perhaps unfortunately for the House—would have another opportunity of bringing forward his proposition; but, unquestionably, to do so now would be against all rules, and orders.

The Earl of *Eldon* would withdraw his motion; but he would repeat, that he had never got to that motion which referred to the introduction of the words "I am a Protestant" into the Declaration. What he had said was, that that amendment ought to be introduced, but he had certainly never made the motion.

The order of the day being read,

The Earl of *Eldon* said, he would now move (the clause having been read by the clerk), that instead of the word "declare," the word "swear" be substituted; but he only did so, for the purpose of having such motion entered on the Journals.

Earl *Grey* rose to order. The House had left off last night at a part of the clause subsequent to that in which the noble and learned earl now moved to introduce his amendment; it was therefore incompetent for him to make that motion now. He was surprised to hear the learned earl re-assert, that he had not made his motion last night for the introduction of the words "I am a Protestant" into the Declaration in this clause. How could they tell what had been done but by the records of the House? Now, if a false entry had been made in those records, a great fault had been committed by some person, and it ought to be noticed. He certainly thought that the motion had been made, and his recollection was confirmed by the minutes. In future, he hoped that, to avoid accidents, every motion would be read and put before it was entered on the records of the House. He conceived the House was now bound to proceed to the consideration of that question which was under discussion when they adjourned.

The Earl of *Eldon* wished to be understood as withdrawing these two motions, but not admitting the fact. He would now move, that there be inserted after the words "on the true faith of a Christian," these words, "I am a Protestant." He wished their lordships to understand, that what he was now proposing had relation to the corporations only, and not to offices under the Crown. He also solemnly protested, that he would not make this motion, if he thought that it operated to the prejudice of the claims of the Roman Catholics. What he wished was, that the present bill, if passed, should pass without affecting the Roman Catholic claims one way or the other. His only motive in proposing this amendment was, that if this clause were to be enacted without these words, it would have the effect of materially promoting the views of the Roman Catholics.—He now wished to say a few words again on this subject. The Declaration to which his present amendment referred, had nothing to do with the subsequent part of the bill, with respect to the Test act. The Corporation act, to which alone it did refer, proceeded to state what persons were to be brought into corporations in future. It said, that no mayor, recorder, bailiffs, &c. should be elected who had not taken the Sacrament within twelve months preceding his election. There was not a word said about his taking it after being elected. The Test act required that persons appointed to any offices of trust should take the Sacrament within six months. Now, the Corporation act required that they should take some oaths, but which were altered by three subsequent acts of parliament, by which they were to take the substituted oaths instead of those mentioned in the Corporation act. But in no subsequent act were they required to make the declaration against transubstantiation. Now, he desired to know by what act of parliament a person filling a corporate office, as such, was bound to make the declaration against transubstantiation? A man might be a mayor, or an alderman, but not a justice of the peace; and, unless he was a justice of the peace, he wished to know by what act he was required to make the declaration against transubstantiation? It was nothing more than proper, inasmuch as, with respect to corporations, their lordships were about to repeal the act imposing the Sacramental Test, that something approaching at least to the same security should be substituted in its stead. That Test would not now operate, except in cases where the individual was not only a member of the corporation, but a justice of the peace also. A man might come and make the present Declaration, without being of any religion at all. This, he contended, was the case with reference to the present Declaration. Individuals of any denomination, if they chose to apply, might get into corporations; and, unless they were thereby to become magistrates, the Sacramental Test was dispensed with. Persons of the Roman Catholic persuasion, the antecedent Test of the Sacrament being removed, might avail themselves of its repeal, and become members of corporations. Of the propriety of annulling that Test, he should now say nothing; but under this bill it was evident, that any person might enter a corporation, and remain there immovably, without being bound to take any Test whatever, except the very unsatisfactory one, that he would not attempt to injure or disturb the Established

Church of the country, by virtue of any power vested in him by reason of his office. Individuals entering office would be equally bound, without taking any such Declaration, not to injure the Established Church, as honest and conscientious men. He therefore said, that if they left the act in this way, it would be incomplete and unsatisfactory. Their lordships ought to frame it, and to pass it, as an act neither prejudicing nor promoting the claims of the Roman Catholics,—a situation in which it did not stand at present. He wished the measure to be so drawn up, as not to interfere with the interests or claims of the Roman Catholics, when that question came to be substantively discussed; but he did not think that any declaration should be agreed to that did not call on the individual taking it to declare, "I am a Protestant." That was a fair and honest proposition. If he were wrong in point of law on this subject, he could only say that he could not, for his life and soul, discover where his error lay. He had taken much pains to arrive at a just knowledge of the question; he had read many acts of parliament on the subject, and he confessed that he could not discover on what point he was wrong.

The *Lord Chancellor* said, he felt himself bound, after what had fallen from his noble and learned friend, to state the opinion which he entertained on this question. He rejoiced that their lordships had acceded to the proposition for postponing the consideration of this subject; because he would admit that the observations then thrown out by his noble and learned friend had the effect of creating doubts in his mind; but the delay that had taken place had afforded leisure for reflection and inquiry; and, after the most mature consideration, he was of opinion that there was nothing of solidity in his noble and learned friend's objection. If he could bring himself for a moment to believe, that the words "I am a Protestant" were calculated to give such a complexion to the question as his noble [and learned friend had described, he should be the last man to oppose them. But, because he was of opinion that they would produce no such effect, and because he felt that their insertion would only create irritation in the country, he felt himself bound to vote against the motion of his noble and learned friend. The question for consideration was this,—whether, if the words proposed were not inserted as part of the Declaration, Roman Catholics would have the power of becoming governing members of corporations in this country. How stood the law with reference to the maxim which his noble and learned friend had laid down? Every person, being the governing member of a corporation, was bound, before his election, to take the Sacramental Test, and he was bound also, on his election, to take the Oath of Supremacy; so that if the legislature abrogated the Sacramental Test, they would still leave, in full force, the Oath of Supremacy. He called on noble lords, in considering this question, not to listen to rumours and surmises against the Roman Catholics; and he would ask them to declare, calmly and temperately, whether the Oath of Supremacy was not obligatory on the consciences of the Roman Catholics. So far as he had been able to make inquiry, and he had consulted persons of the greatest honour and probity, he was satisfied that the Oath of Supremacy was felt to be highly obligatory on the Roman Catholics. Therefore he contended, that so long as the necessity existed for taking that oath, it formed an effectual bar against the Roman Catholics. He would argue, stopping here, not going a single step farther— repealing the Sacramental Test, but leaving the necessity of taking the Oath of Supremacy in full force—that there was a complete bar against the intrusion of the Roman Catholics. But he did not stop here. He differed entirely from his noble and learned friend; but at the same time felt it incumbent on him, when he declared that he differed from his noble and learned friend on a point of law (and he did so with great deference for his noble and learned friend's experience) to say, that it was the importance of the occasion which called on him to exercise his own judgment and understanding.—His noble and learned friend had asked, by what statute a corporator was bound to make the declaration against transubstantiation? He answered that the governing corporator was bound to make it, by the operation of the Test act. He had looked to that act—he had read the terms of it—and he found the necessity of that declaration being made by every person holding any office, civil or military, was there laid down. The first impression on his mind on looking at that act was, that those words were controlled, in substance, by the subsequent words, which referred to offices held under the Crown. Every person understanding grammatical construction, looking to the way in which the clause was drawn up, must see, that persons holding offices, civil or military, under the Crown, were bound by the words of the act to make the declaration against transubstantiation. But any doubt he might have, as to whether these words were confined to offices under the Crown, were removed by another part of the act; for he there saw words that would have been utterly useless, if the enactments were limited to that point. A proviso was introduced, excepting from the operation of the act a great number of persons holding inferior offices not under the Crown. Now, if the original enacting clause was confined to offices held under the Crown, it would be useless thus to exclude from the operation of the act persons who held no such office. He therefore contended, that the act extended to every person holding a civil office, and did not refer alone to privy councillors and other high dignitaries in the state. This construction was entirely confirmed by the proviso, which it would have been absurd to introduce, if persons holding office under the Crown were alone contemplated by the bill. He felt, in his situation, after what had been said last night by his noble and learned friend, that it was necessary to proceed with the utmost caution; and he therefore made some inquiries as to the practice which prevailed in corporations. He inquired whether the governing officers of corporations, not being in his majesty's commission of the peace, made the declaration against transubstantiation—whether those persons came within the meaning of the act; the ordinary practice being in his opinion, the true expounder of the law. He had stated this question thus plainly to the highest magistrate in the city—to the Recorder; and that learned individual had this day informed him, that after a careful search in the records of the city, he found the custom universally and uniformly to have been, for the members of the common-council—not that part of the corporation who were magistrates—to make the declaration against transubstantiation. He referred, in support of his view of the subject, to the act of parliament, and to the proviso introduced into the statute, and he had all this confirmed by a reference to the custom of the first corporation in the country, authenticated by the first law-officer of that corporation. If, then, they repealed the Sacramental Test, what had they left? Still those applying for particular situations must take the Oath of Supremacy, which, with all his feelings and all his prejudices on this subject, he considered to be sufficiently binding. But beyond this, there still existed the necessity for subscribing to the declaration against transubstantiation, in the manner which he had already pointed out. If, therefore, their lordships were of this opinion, he conjured them not to adopt the amendment. He would say, that it was calculated to create irritation,—that it was likely to do incalculable mischief. Seeing how the measure had been supported by the right reverend bench,—seeing that it had been approved of in the other House of parliament, by those who were most zealous for the Established Church,—seeing that no petitions had been presented against it,—considering that the Universities of Oxford and Cambridge, which were always so actively alive to the interests of the Church, under whose care and patronage the Church was especially placed, as its most vigilant guardians, did not petition against the bill, or express a wish that it would not pass, he had hoped, that their lordships would have sent it out to the world accompanied with such a spirit of conciliation, as would have been highly advantageous to the country. He certainly felt distressed and disappointed at the conduct pursued by his noble and learned friend,—conduct, no doubt, arising from the best and most conscientious motives, but which was likely to produce much irritation. He gave him the highest credit for his talents, for his great legal powers, and for his zeal for the interest of the Church; but he thought that the exercise of those talents, of those powers, and of that zeal, in the present instance, was decidedly mischievous.

The Bishop of *Bristol* said, he was not aware of the legal point which the learned lord on the woolsack had stated; namely, that it was customary for any but the principal officers of corporations to take the declaration against transubstantiation. That, undoubtedly, made a considerable alteration in the case; and many persons might think that it formed a sufficient security against the admission of the Roman Catholics. That was a matter, however, which should be strictly provided for; seeing that the corporations of this country, in many instances, were trustees of property connected with the foundation of schools and other public charities, as well as of funds which were originally bequeathed for ecclesiastical purposes. It was therefore proper that the Catholics should be excluded from coming into corporations; and with that view he could not conceive what good objection could be urged against the suggestion of the learned lord who proposed that the word "Protestant" should be introduced. He did not exactly know whether this bill would make for or against the Roman Catholics but, in legislating for the Dissenters, he thought the measure, whatever it was, should go to that point alone. How this bill would ultimately affect the Roman Catholics, he did not now mean to consider, although he had a decided opinion on the subject. He wished to state the general grounds on which he proceeded with respect to this measure. When he first heard of its introduction into the other House, he confessed it gave him alarm, because he believed it to be a mischievous measure, and he felt considerably surprised when he saw petitions presented in such immense numbers to their lordships' House. There was scarcely one of those petitions that did not breathe a spirit of ill-feeling towards the Church establishment, nay, that did not express detestation against it [no, no]. He did not approve of the bill in its original form; and, with every desire to let the Dissenters into the different offices of government, so far as the security of the state was provided for, he deemed it just and proper that the Declaration should be altered, to afford that security. If the proposition for altering the Declaration had been agreed to, the consequence would be, that the Church of England would feel perfectly satisfied: the Church of Scotland might have been introduced in a manner equally satisfactory, the members of that Church being called on to receive the necessary rites, according to the forms of their religion, at the appointed time; and it was well known that the Wesleyan Methodists would have raised no objection to such an arrangement. In speaking of the petitioners, he meant to say nothing disrespectful. He esteemed many of them for their candour, their charity, and their humanity. But whenever they came in contact with the Established Church, especially on points of discipline and doctrine, they showed a decided hostility to it. He therefore saw no other mode for the security of the Established Church than to have a more strict Declaration. The Dissenters were a powerful body, they had great control in many places, they had established schools in various parts of the country, and it was not unworthy of remark, that they frequently kept the children at those schools on the Sunday when the service of the Church was going on, by which they were deprived of religious instruction. If they looked at the report of the committee of the House of Commons on Education, they would find it stated, in the evidence of Dr. Hunt, that in his opinion, one great cause of the increase of crime was the detention of the children of these schools. He felt the utmost confidence in the present government, and he was disposed to acquiesce in the provisions of the bill, if proper securities were provided for the Church, and he trusted that the suggestions thrown out by the noble and learned lord would have their full weight.

The Earl of *Carlisle*, in a low tone of voice, denied that the petitions presented in favour of the bill merited the reflection cast upon them by the right rev. prelate. He had himself laid one upon the table of a very different tenor; and if it had declared its hostility to the Church, he certainly should have felt considerable reluctance in offering it to the House. On the contrary, it stated, that although the Declaration was unnecessary, they did not object to it, as they were conscious that they harboured no feelings inimical to the establishment. After the luminous and convincing argument of the learned lord on the woolsack, it would be presumption for him to say more, than that he fully concurred in it.

The Earl of *Guilford* said, he thought the course which had been taken in that House, on this occasion, tended to repress freedom of discussion, and to enforce this principle, that no noble lord should state his opinions fairly and conscientiously, and support those opinions by such arguments as he could adduce, provided those high authorities amongst their lordships, for whom no man entertained a more sincere respect than he did, had previously delivered opinions of a contrary nature. This, however, should never prevent him from stating his sentiments. On the second reading of the present bill, when he heard the opinion of the right reverend bench, or of the majority of them, given in condemnation of the Sacramental Test, he had abstained from delivering his sentiments to the House, because he waited to see what securities could be obtained in the committee, in exchange for that which he considered the most important security for church and state. He wished to see a security fully adequate adopted in the place of that which was removed; but he did not think that any adequate security was offered to the Church. Therefore, he felt himself bound to vote against this bill, because it would, he was confident, be materially detrimental to the best interests of the Church. Having said so much, he felt himself bound, in consequence of the speech of the learned lord on the woolsack, to state briefly why he could not make up his mind conscientiously to vote against the continuance of the Sacramental Test. In that feeling, he coincided with many of the most respectable members of the Church. He would first, look at the subject in a political point of view; and he would say, that whenever danger was likely to arise to the state, on account of religious opinion, conformity or exclusion were the only securities that could be adopted. Religiously speaking, he would willingly abandon the Sacramental Test, if any other adequate security could be found; but when he calmly considered the question—when it was asked whether this holy rite was to be profaned—then he felt that the individual who came forward to take the Test, and not the law, was guilty of profanation. The Church was not to be invaded and her rights trampled under foot for want of security. Let, therefore, the Sacramental Test remain — let the Church stand — and let those who profaned the sacred rite be condemned, and not the law.

The Earl of *Roden* said, as he had not heard from any noble lord the expression of opinions similar to those which he held on this important bill, he would state briefly what his opinions on the subject were. He was one of those who conceived it to be most important to listen to the conscientious scruples of the Dissenters. He thought it would be wise in the legislature, if they removed from the Statute-book that Sacramental Test which was objected to by many Christians—not only Dissenters, but members of the Church of England; but he was also of opinion, that it was very important, indeed, that some declaration should be substituted in its place, instead of that which was now proposed. The declaration of which he would approve should not merely be framed to protect the temporalities of the Church of England from apprehended danger—it should not merely have reference to the probable occurrence of machinations that might undermine it: no, he would go much further, he would place on record, in the strongest manner possible, the gratifying fact, that Christianity itself was the most prominent feature of the British constitution. But it appeared to him, so far as the bill had gone, that Christianity had been altogether overlooked: that the greatest of all subjects had been passed unnoticed; while the riches, the temporalities, the rights, the privileges, and the immunities of the Established Church had been carefully attended to. He, for one, lamented exceedingly that that clause, which embraced the words, "on the true faith of a Christian," had been agreed to, in preference to the clause proposed by the noble earl opposite, which ran thus—"I do solemnly and sincerely declare, in the presence of Almighty God, and of his Son, our Lord and Saviour Jesus Christ," &c. He certainly regretted that their lordships had preferred the clause, as it now stood, to that which he had last quoted; because, as he viewed the clause, it appeared to him to be altogether useless, so far as it regarded the manifestation of Christian principle. And why? Because a doubt would still remain as to what was the faith of a true Christian; whereas, in the rejected clause, the fact was expressed, and carried as much conviction to his mind as the Sacramental Test itself. He believed that the bill, as it now stood, would not meet with the approbation of the great body of the Christian people of England, and that the Dissenters themselves would not be satisfied with it. He regretted extremely, as a member of the Church of England, that, in the nineteenth century, the right rev. bench, the successors of Ridley, Latimer, and Cranmer, should oppose the clause, which went merely to enable individuals, in a Christian state and country, to declare their belief in the law of Jesus Christ. He had heard much from noble lords on the other side of the House, as to the religious peace which would be secured by this measure. So far, however, from that being the case, he thought that a great alarm existed at that moment, both in the minds of Churchmen and Dissenters, on this subject. But he did think that, even if peace were purchased at such an expense, it would be dearly purchased indeed.

The Bishop of *Lincoln* said, he believed, that in what the noble earl had uttered concerning the support given by the bench of bishops to the Declaration proposed to be introduced into the bill, he had fallen into a serious mistake; since, in declaring his opinion upon the insufficiency of that Declaration, he had asserted, that the bishops had shown a greater regard for the temporalities than for the spiritualities of the Church. If the proposition submitted by the noble baron, with respect to the Declaration, had been to alter the liturgy of the Church in conformity to the opinions of the Dissenters, to expunge from its articles some part of the substance of its Creed, or to change its doctrines or its discipline; if these, or any of these, had been the objects of the proposal, there would have been some ground for the assertion, that the clergy in that House had neglected the spiritual doctrines of the Church. But what was the question before the House? It was, whether a portion of the two acts of parliament, whereby persons dissenting from the doctrines of the Church of England were excluded from holding corporate offices should be repealed? Now what conceivable connection there was between that proposition and the spiritual doctrines of the Church of England, he confessed he could not see; and he was surprised that the noble earl should have fallen into the error of conceiving there was any. The facts and arguments advanced by the noble earl could only have arisen from a mistake of the nature of the proposition before the House, or from a confusion of two things, perfectly distinct in their existence; namely, the temporalities of the Church and its spiritual character. He would tell their lordships, that these two things were not connected together, and that one of these might be destroyed without the principle of the other being affected. The Church might be separated from the state—its ministers might be ejected from their benefices—its revenues might be transferred to the support of other denominations, or diverted to secular purposes—but still it would continue to exist as a religious community; its believers would meet for the purpose of performing the act of worship, according to its creed; and they would perform it in a decent form, and with great scrupulousness as to its rites, although they might be deprived of their places of worship. It might be stripped of its worldly wealth, but it would remain rich in spiritual blessings. Such charges as those made by the noble earl against the members of that bench could only proceed from a confusion of the two things to which he had already referred, and which, he was fully convinced, were in their nature extremely different. The charge, however, was such, that, though founded in mistake, he felt himself called on immediately to deny it.

The Bishop of *Chester* said, he wished also to offer a few words upon the subject on which his right reverend brother had just addressed the House. The observations of the noble earl seemed to show, that he considered the Corporation and Test acts as a religious security. Now, he had already contended, and would repeat his assertion, that they were only a political security, and that in themselves they had no tendency to support and maintain true religion. If it was true, as the noble earl had represented, that the interests of the Church were ephemeral interests, they were so, because they were not connected with the eternal doctrines of the Church. The only way by which the temporal interests of the Church could be upheld, was by endowment. That was all that the state troubled itself about; it was for the Church to look to the purity of its doctrines and to the discipline of its forms, which ages had already supported. It was uncharitable, then, in the noble earl to make an assertion, which, if it were believed for one moment, could only have the effect of undermining the influence now possessed over the people by the spiritual rulers of the Church. He was sure there was no man more willing to increase that influence than the noble earl: his assertion, therefore, could only be the consequence of the mistake to which his right rev. friend had already alluded, and to a confusion of the two things which he had so truly described, as extremely different, and which had led the noble earl to say that they were intent on the sordid interests which regarded the temporalities of the Church, rather than moved by any high consideration for the spiritual interests of the people.

The Earl of *Roden*, in explanation, said, that the right rev. prelates were mistaken in supposing that he meant to insinuate any thing of the kind imputed to him. Quite the contrary. He only lamented that they should exhibit so much indifference to the admission of persons, dissenting from the establishment into the offices of a Christian government and state.

Lord *Redesdale* said, it was proposed to do away with the Sacramental Test, and to substitute in its stead a simple declaration, to be made by all persons who should be appointed to offices where that Test had been hitherto required. Under these circumstances, he could not conceive any solid objection to the amendment proposed by his noble and learned friend. The only objection he had heard was, that it was not only not necessary, but quite superfluous; and it was argued, that after the repeal of the Test act, the declaration against transubstantiation would still remain as a sufficient barrier against the admission of Roman Catholics to office. Now, he would say, that there were many persons who were ready to make the declaration against transubstantiation, but who were still very far from being Protestants, according to the sense of the word in which it was generally understood. He would call the attention of noble lords, who were anxious for the maintenance of an Established Church to this fact. They should recollect that there was an essential difference between a religious society regulated by law, and a religious society which was neither controlled nor regulated by law. This was an important difference. The religious society which was controlled by law, could not do any thing inconsistent with the law; but, on the other hand, the religious society which was not so controlled and regulated, disavowed and disowned all law. He therefore objected to the present bill, because it went to admit to office, and to influential situations, persons who belonged to religious societies that were not regulated by law. That was his argument against the measure. They had upon their table a number of petitions in favour of it from the friends of religious liberty. "The friends of religious liberty!" Did religious liberty mean the possession of political power; for political power, and nothing else, was manifestly the aim of those who petitioned in favour of the present measure? He was somewhat surprised to find that many persons belonging to the Established Church of Scotland and of this country had joined in those petitions, with the persons who described themselves as the friends of religious liberty. Now, there was a difference between liberty and licentiousness. True liberty was regulated by law. But the liberty sought for by many of these persons was not a liberty regulated by law, but a liberty which could not be regulated by law. He could see no tenable objection to his learned friend's amendment. It had been described as superfluous, but that very objection afforded grounds for asserting that it was not superfluous. The word which his learned friend proposed to introduce into the Declaration was one of great importance. If a man declared that he was a Christian and a Protestant, he would profess himself a member of a religious society which called themselves Christians and Protestants; and he could not belong to that religious society who, while they called themselves Christians, were not Protestants,—namely, the members of the church of Rome.

The Earl of *Eldon* said, that, after what had been stated by such an authority as the noble lord on the woolsack, he felt it imperative to trespass on their lordships' attention for a few moments. The noble lord had charged him with what he called mischievous conduct on this occasion. He trusted that he had too long engaged the attention of noble lords in that House not to receive from them a patient hearing, while he replied to such a charge, coming from such a place, and such an authority. He would say, that when the noble lord on the woolsack had gone through all the different situations in which he (lord Eldon) had served that House and the country, it would be then imputed to the noble lord with as little reason as it had been imputed to him, that he was pursuing a line of conduct calculated to produce mischievous consequences. He had served his country to the best of his abilities: he had endeavoured to be a useful servant to the country; and, if he were now engaged in any thing calculated to be mischievous to the interests of the public, he prayed to God that he might be forgiven; but he solemnly declared that he could never be engaged in any thing so mischievous as the forwarding of this measure. He was well aware of the fate of the amendment which he now proposed; but such was his conviction of the evil consequences to be apprehended from this bill in its present form, that if he stood alone he would go below the bar and give his vote against it; and, were he called that night to render his account before heaven, he would go with the consoling reflection that he had never advocated any thing mischievous to his country. He cast back the imputation which had been sought to be thrown upon his conduct by the noble lord on the woolsack, with all the scorn of a man who felt himself injured. It was an imputation which he would not endure from any quarter. The noble lord on the woolsack had expressed a difference of opinion from him respecting a point of law involved in the present discussion. He would repeat the opinion which he had already expressed, that if they passed the bill in its present shape, Roman Catholics would be admissible, with other Dissenters, to corporations in this country. If this bill were passed, there existed no law which could prevent Roman Catholics from getting into corporations. He would stake his reputation as a lawyer upon the fact. But, said the noble lord on the woolsack, if the Corporation and Test acts were repealed, there still remained the declaration against transubstantiation to exclude Roman Catholics from corporate offices; and the noble lord, they were told, had even taken the opinion of the Recorder of London on the subject. Neither had he (lord Eldon) been wanting in his inquiries; and he found that in some places the declaration against transubstantiation was taken, and that in others it was not. How did it happen that such a variation in the practice occurred? Those two acts being stated to apply to corporations, and those who qualified under the Test act being obliged to make the declaration, it occurred to some petty officers of corporations, that it was necessary to make the declaration to qualify for corporate offices, while other officers in other corporations entertained a different opinion, and thus the practice varied according to the notions of those who called on persons to qualify. Under these circumstances, he had no way left for deciding the matter but by looking at the acts themselves. He would assert, and he would make the assertion were he now upon his judicial oath, that persons who came into corporations were not bound to attend to the enactments of the Test act. What was the intention of those who passed the Test act? After the Corporation act had been passed, and was in full force, did they mean to do this—to say that a man who, under the Corporation act had, in the preceding twelve months, taken the Sacramental Test, should take it again in six months as a qualification under the Test act? These two acts would then so far differ, that the one required the Sacramental Test as an antecedent qualification, and the other required it to be taken as a subsequent qualification. Unless, then, it could be shown that the subsequent act called for a subsequent or second qualification in those who had been admitted to corporate offices, the argument as to the declaration prescribed by the Test act fell to the ground. He (lord Eldon) must act upon his opinion, and that opinion was, that under the Test act, no man was bound to make the declaration against transubstantiation in his mere corporate character or capacity. But if a man were appointed a justice of the peace, by virtue of his office and in his public character, he would be bound to take the declaration against transubstantiation, which in his mere character of corporator he would not be bound to take. It was on this account that he was anxious to have the words proposed in his amendment introduced into the Declaration, and he was determined to take the sense of their lordships upon it. Respecting the governing members of corporations being, as it was asserted, magistrates, and therefore obliged to take the declaration against transubstantiation, he had the authority of lord Coke for saying, that a mayor as a mayor, or an alderman as an alderman, were not justices of the peace, and their mode of qualifying for office was perfectly distinct. He had reason to believe, that the opinions of the learned lord on the woolsack respecting the repeal of the Corporation and Test acts had been changed within the last few days. As one of its members, it must be supposed that the learned lord was a party to the determination of government to oppose this bill on its first introduction. He trusted that the learned lord having now yielded his opinions on the subject to those of others, would not attack the motives of those who still maintained that opposition, which it was his original intention to offer to this bill. No doubt the learned lord had, for very satisfactory reasons, receded from his opinions; but he should deal fairly towards those who still adhered to the opinions which he had thought proper to abandon. It was rather hard, under these circumstances, that his conduct should be held up to contempt, because he opposed this bill. Intentions had been imputed to him which he most solemnly disavowed. He considered the supporters of the measure as actuated by conscientious motives, and he only asked them to judge with equal fairness of the motives which actuated his conduct. He did think that this was a most mischievous measure; and for such a declaration he was ready to answer at the bar of his country. He repeated, that he considered this bill a most pernicious measure [a laugh]. Noble lords treated this with a laugh. He was glad to find that he was able to give noble lords some entertainment. He would again assert, that the present measure went to destroy the unity established, by the constitution of the country, between the Church and the State. The measure was nothing more nor less than an attack upon the constitution of the country. It had been one of the consequences of that "march of intellect," and that "liberality" of which they had heard so much; and sure he was, that in the progress of time this and similar marches would succeed in uprooting the foundations of all that constituted the happiness and glory of this country. Much praise had been bestowed, by the supporters of this bill, upon the clergy and the members of the Established Church, on account of the small number of petitions presented from them against it. He did not know that they were to be praised for resting upon their oars. If restless activity on the one side was only to be met by dormant apathy on the other, let the consequences rest upon them, and not upon him. No individual could entertain a higher respect for the bench of bishops than he did. He venerated them as a body, and each individual amongst them commanded his respect; but they must pardon him for saying, that he did not conceive that their support of this measure was calculated to strengthen the Established Church. He wished to God that reverend prelates and noble lords had read the petitions which had been presented in favour of this measure. He had looked into most of them, and when this discussion should terminate, he would rather suffer death than have it told that he supported this bill. From the petitions presented in favour of this bill, it was easy to discover the intentions of the petitioners, and to perceive that the measure was founded upon revolutionary principles. He knew well how these numerous petitions had been got up: nothing more was necessary than to establish a committee in London, and to open communications with the various Dissenters throughout the country. Then the plan was, to send three forms of petitions to the Dissenting ministers in each parish: one was to be presented to the Dissenters for signature; the next was intended to be shown to such of the Established Clergy as they might reckon upon joining with them; and the third form of petition was for those liberal-minded persons whose enlightened views of things far exceeded those which he or any simple Church-of-England-man entertained. He would repeat, that his conduct on this occasion did not deserve the language which had been applied to it. His efforts might prove unsuccessful, but he should have the satisfaction to reflect, that he had done his duty to his country and to his king, whom they obliged to take a test, from which they were pleased, by this measure, to relieve his subjects.

The Duke of *Newcastle* said, he had a decided objection to the repeal of the Corporation and Test acts; and he felt more strongly opposed to that repeal, as he was convinced that the present concession had been made, in consequence of the clamour which had been raised upon the subject, within as well as without that House. He considered the Corporation and Test acts to be the strongest barriers to the inroads upon the constitution in Church and State. But, if they were to be repealed, something like an equivalent security should be provided in their stead. He considered the Declaration as it stood, quite nugatory, as a security. They had obtained something like an approach to an acknowledgment of Christianity in it;

but that had only been gained by hard fighting. He regretted that any of the right rev. prelates had given their support to the bill. At what time had there been greater liberty of conscience, than during the existence of the Test and Corporation acts? In every view which he could take of this subject, he thought it was most inexpedient for the government to give their support to such a measure. For his own part, with every respect for the high character of the noble duke at the head of the government, he could not consent to the enactment of this bill, unless it was accompanied by a full acknowledgment of Christianity, and of the predominancy of the Established Church.

The Bishop of *Gloucester* said, that it had been a very prevalent opinion, that the political introduction of the Sacramental Test was liable to abuse and profanation. Now, he well knew that many pious and excellent men were of a contrary opinion to this; and when such a contrariety of opinions existed, it was their duty to endeavour to find out which side preponderated. But, in addition to the arguments that could be adduced on either side, there was a strong moral feeling in his mind—so strong, that it weighed more with him than all those arguments. It was because the Test act had long been a dead letter—a thing in existence but never in use—that he voted for the present bill. The Test had been made use of in former times, and perhaps it was then proper; but it had now become obsolete. He had voted for the Declaration that was introduced into the bill—not because it formed a stronger bulwark than the Sacramental Test, as far as the Dissenters were concerned, but because he considered it as a Declaration, on the part of the legislature, the laws, and the government, of the country, that, to the best of their power, they would support and uphold the doctrine, discipline, and government, of the Church of England. In giving his assent to the amendment of the noble and learned lord, it was not because he thought that it was of any force or validity, but rather because he knew that there was a feeling abroad—and that too, among very excellent persons — that in bringing in this bill in behalf of the Dissenters, they were at the same time opening the door to the claims of the Roman Catholics. Such, however, was certainly not his opinion; for he thought that the Oath of Supremacy was a sufficient guard against the Roman Catholics; unless indeed (which he did not believe) they could procure a dispensation for taking such an Oath; and if that were to be the case, he should then like to know how this Declaration, let it be shaped in what way their lordships pleased, could form a security.

The question was then put upon the amendment for introducing into the Declaration the words "I am a Protestant," when the House divided: For the Amendment, present, 43; Proxies, 12—55; Against it, present, 73; Proxies, 44—117; Majority against the Amendment, 62.

The Earl of *Winchilsea* then proposed his amendment, that after the word "that" in the Declaration, be inserted these words, "I believe the canonical books of the Old and New Testament, as set forth by the laws of this realm, to be the revealed word of God." He professed to regard this great question upon principles involved in the broad basis of Christianity, and not with reference to the tenets of any particular sect. In taking up that general position, he must be permitted to protest against the doctrines propounded by the government in their support of this bill, and more particularly against the opinion of one noble lord opposite, who had declared, that the religion of a man did not signify in considering his qualification for civil office. Such an opinion was decidedly at variance with the spirit and provisions of the great institutions of this country. He would maintain that exclusion from political power, and persecution, were not, as some people thought, synonymous terms. In examining the prayer of the petitions presented from the Dissenters in support of this bill, he found them all claiming credit for a belief in Christianity; while he could positively affirm, that some of them were no more entitled to the appellation of Christians, than the followers of Mahomet; indeed, not so much; for while the former denied the existence of Christ, the Mahometan believed in it. He therefore called upon the government and the prelacy to support him in this attempt to uphold the establishment of Christianity.

The Bishop of *Chester* said, it appeared to him that the state of the question was materially altered since the former amendment that had been moved by the noble earl. It had then seemed to be the pretty general feeling of the House, that there should be a call on every person, coming within the meaning of this bill, to declare himself a Christian; and with the substance of that feeling, he, too, agreed: but if the wish merely was, that every man should declare himself a Christian, he thought that the words that had been introduced—"on the true faith of a Christian"—were quite sufficient to answer that purpose; and, indeed, as every man in this country, had a right, *prima facie*, to be considered as a Christian, until actual proof was brought to the contrary, he thought that the security was ample: and, in the name of all that was reasonable and tolerant, he thought they ought to be content with such a Declaration. As the Declaration now stood, whoever made it, professed his belief in the Scriptures; and he therefore thought it needless to embarrass the formula, by adding unnecessary matter.

The Bishop of *Llandaff* thought the amendment unnecessary. It was already provided, that the Declaration should be taken on the faith of a Christian; and he could not conceive how any person who called himself a Christian, could deny that the canonical books of the Old and of the New Testament contained the revealed will of God. The amendment was objectionable on another ground. A Mahometan might subscribe to the Declaration, as the noble earl had worded it; for it was unquestionable, that the Mahometan agreed with the Christian in thinking, that the five books of Moses, and the four Gospels, were composed under the immediate inspiration of God. For these reasons he should object to the amendment, which he did not consider to be so good a Test as that which he had proposed himself.

The House divided: For the Amendment 22; Against it 70; Majority 48.

The *Lord Chancellor* said, he had promised their lordships in the committee, that if they would agree to the last clause but one, and to the last clause but two in the bill as they then stood, he would, at a future period, substitute for them clauses of a more definite nature. He now rose to make good that promise. One mode of making that substitution was by naming expressly the different offices of which the holders were not to be required to make the Declaration. Another mode was, by declaring that all persons who were bound to take the Sacramental Test should subscribe the Declaration, with certain exceptions. He preferred the latter mode. He should therefore propose a clause, enacting, that all persons who were now bound to take the Sacramental Test on their admission into office, should, in future, take the Declaration in this bill in lieu of it. It was clear, however, that if this enactment were carried literally into effect, it would apply to the holders of many small and insignificant offices; and the calling upon them to make such a Declaration would throw a degree of ridicule upon it, which would be highly impolitic. He therefore proposed to name the exceptions. At first he thought that this would be impossible; but on reverting to an act passed in the fifth year of the present king, he found the very thing done which he was desirous of accomplishing. By that act it was provided, that the acts calling on those who entered upon offices and employment to take the Sacramental Test within a limited time, should not extend to any commissioners of taxes, customs, excise, or stamps, or to any persons engaged in the collection of the revenue under them. He should therefore adopt the language of that act, and frame one of the clauses of which he had given notice out of it. It had been likewise suggested that it would be proper to include in the exception, officers in the army and navy, below a certain rank. He had endeavoured to meet that suggestion. Having now stated the effect of his two clauses, the best plan, perhaps, would be to have them read.

The clauses were read and agreed to.

The Earl of *Falmouth* said, that he, too, had an amendment to propose. It related to the disposal of patronage in the Church by corporate bodies, and was as follows:—"Whereas, for the due security of the Church, it is expedient that provision be made for the proper presentation of ecclesiastical benefices belonging to corporations in the kingdom of England and Wales, be it enacted, that from and after the passing of this act, no person, being a member of a corporation, shall present, nominate, or appoint, or take a part in presenting, nominating, or appointing, any clergyman to any ecclesiastical benefice in the gift of the corporation of which he is a member, until he shall make and subscribe the following Declaration: 'I, *A. B.*, 'do declare my assent and consent to the 'book of Common Prayer and administration of the holy Sacrament, and to the 'thirty-nine articles of the Church of 'England comprised therein.'"—He might be told, that there existed already a sufficient security against any abuse of the patronage which corporations exercised over ecclesiastical benefices, in the circumstance, that every person upon whom they were bestowed must subscribe to the thirty-nine articles, and conform to the book of Common Prayer. This, however, was a security which only affected the receiver; and his object was to make it apply, in future, to the dispensers of ecclesiastical patronage. Their lordships would recollect, that Roman Catholics—so jealous was the constitution—were not trusted with the disposal of any part of the patronage of the Church of England. He was sure that parliament, acting upon the principle of preventing those from interfering with the government of the Church, who did not believe in its doctrines, never could have intended to let the Dissenters have any interest in the disposal of the patronage of the Church, much less to dispose of it as they might think most expedient. He wished to prevent the possibility of any benefices in the Church of England being filled by persons who, though they professed an outward conformity to the Established Church, were Dissenters at heart. Again, if there was security at present, he wished to increase it; and he thought he was acting wisely in attempting to gain that object, when their lordships were dispensing with a bill which he conceived to have been a most effectual check upon the parties against whom it was aimed. The noble lord concluded by moving the said clause.

Lord *Ellenborough* objected to the clause, as being useless and unnecessary. We had already a much stronger security for it in the subscription to the thirty-nine articles, which every bishop had a right to ask, and in point of fact did ask, from every new incumbent within his diocese. His noble friend had grossly exaggerated the danger likely to accrue to the Church from this measure. No danger could arise from the disposal of Church preferment by corporations, until the Dissenters obtained a majority in those corporations. His noble friend had talked of the principle upon which he rested this amendment. Had his noble friend considered the length to which he must carry his principle, if he once established it? He must deprive every lay Dissenter, in his individual capacity, of the same power which he was now so anxious to take from him in a corporate capacity.

The Bishop of *Llandaff* thought the amendment unnecessary. The noble earl had argued as if the bishops had nothing to do with a new incumbent, but to call for his signature to the thirty-nine articles. Surely the noble earl could not have forgotten that the incumbent presented to the bishop must be an ordained member of the Church of England—that he must have been educated in the Church of England—that he must subscribe to her articles—that he must have been examined by one of her bishops, or his chaplain, as to his fitness for the holy office—and that all this must take place before he was in a situation to receive preferment. The noble earl appeared to him to reason very curiously, from the law which prevented Roman Catholics from presenting to benefices in the Church of England. He said, it was a proof that parliament wished to confine the disposal of the patronage of the Church to those who conformed to its doctrines and worship. Now, he looked upon it in a different light. The strong proof, that parliament marked out the case of the Roman Catholics as peculiar, was to be found in the fact, that it left the disposal of the very same patronage which it took away from the Roman Catholics, in the hands of lay Dissenters. Parliament had made no law of exclusion, on this subject, for the Dissenter; and he would say, that such a law could not be vindicated upon the ground either of justice or expediency. He regarded the law which deprived Roman Catholics of the right of presenting to the benefices which formed part of their estates as a harsh interference with the rights of property, and as a miserable relique of those penal laws which he wished obliterated from the Statute-book. He could not see the likelihood of any danger arising from allowing to Dissenters the right to present to benefices, for the benefices must be bestowed upon the clergy of the Established Church. He would ask the noble lord, whether there had ever come to his knowledge an instance of a Dissenter having exercised his right of presentation, to the disgrace or detriment of the Established Church? If no such instance had come within the noble earl's knowledge, then was he conjuring up imaginary grievances to frighten himself and his friends, which the sooner they got rid of the better for all parties.

The clause was negatived.

The Bishop of *Llandaff* said, it was his intention, on the third reading of the bill, to propose another clause. He had upon a former occasion, expressed his dissatisfaction at the present Declaration. As it stood, he considered it utterly unworthy of their lordships. It was now converted into an oath [cries of "no, no,"]: he maintained that it was; for a Declaration solemnly made in the face of God was an oath, even though the words "So help me God" were not attached to it. It was converted, he said, into an oath; and his objection to it was the awkwardness of the situation in which it placed the Dissenters. It was to be administered to all persons upon their admission into civil offices. Now, he calculated that nine-tenths of the persons who would be called upon to take it would be of that description on which it was never intended to be imposed. He should therefore contend, on the principle that the legislature ought not needlessly to multiply oaths, that it was unworthy of the House to frame the Declaration in the invidious form in which it now stood. He had wished their lordships to make the persons who entered upon office declare, "that, so far as concerned the duties of their office, they would respect and maintain the rights and privileges of the Established Church." That Declaration was objected to, on account of the inconvenience it was likely to cause to some consciences. He had yielded to the objection, and did not press his amendment. He must, however, say, that all his subsequent impressions confirmed the correctness of his original opinion. The object which he had in view would be obtained by the insertion of a short clause, of which the tenour would be, that those persons who were members of the Church of England should not be called upon to take this Declaration upon their admission into office.

The report was brought up, and the bill, as amended, was ordered to be printed.

HOUSE OF COMMONS.

Friday, April 25.

Roman Catholic Association—Petition of the Corporation of Dublin against.] Mr. *Moore* said, he rose to present a Petition from the Corporation of Dublin, against the Roman Catholic Association. The petitioners commenced by stating, that being the body from whom the magistrates of Dublin were selected, they felt it to be their duty, to call the attention of the House to a Society which they thought calculated to injure the peace of Dublin, and to pray that the House would adopt prompt measures to suppress it. He need not remind the House, that the proceedings of the old Catholic Association, previous to 1825, were such as to call the attention of government to them. The danger that was apprehended had been submitted to the legislature, and a great majority in both Houses had come to the conclusion, that the Association was dangerous. This opinion had been further evinced in the bill passed in 1825, called the Unlawful Society bill. To this law the old Catholic Association had affected to submit; but scarcely was that submission professed, before a new Association sprung up, which, while it pretended to coincide with the bill, was, in fact, totally hostile to its essence. That bill directed its enactment against certain societies, which it pronounced illegal, but contained exceptions in favour of societies for certain objects. When, therefore, the Catholic Association again sprung up, it assumed a form which came within what was legal under the act, though, in truth, it preserved the same character, and was supported by the same persons as before. When it assumed the same character in its operations of directing the motions of the Catholics, and controlling the proceedings of the Protestants—when it interfered, by the expression of its opinions, in all great measures of policy which came under the attention of the legislature, he thought that every objection which was urged successfully against the Association in 1825, would lie with the same, or greater, force, against the Association now existing in Dublin. Many plans, then in a state of incipiency, had now reached their maturity—many objects, then limited in their nature, had now been reared up to an almost indefinite extent. He called the attention of the House to the connexion which notoriously subsisted between this Association, as a political body, and the Catholic priesthood—to the collectors of the Catholic rent, the existence of Catholic agents, and the general organization of a system of concert pervading the whole Catholic community. Was it then too much to designate this great political body, existing in Ireland, as a most frightful political anomaly? It was, in truth, a distinct government in Ireland, moving in the sphere of the legitimate authority; often eclipsing that authority as it moved in its orbit, and always, by its attraction and its powers, deranging the whole social and political system. It required little acuteness to perceive the baneful influence which such a power exercised over the Catholic population. But there were some things connected with the existence of this Association still more dangerous. He alluded to the existence of other associations of a most sanguinary character, which received countenance from the toleration of the Catholic Association. God forbid he should say that that Association had any participation in the acts of ribbon-men. He knew there were many gentlemen of the highest character among the members of that Association. Nothing could be further from his intention than to cast the slightest imputation upon the character of any member of that body; but men of the most honourable mind, when ardently engaged in the pursuit of any object, often overlooked the dangerous tendency of those schemes by which they sought to accomplish their purpose; and it could not, he thought, be denied, that the societies of ribbon-men, and other societies of the same description, must be supposed to receive some encouragement from the example held out to them of an Association existing in the metropolis of the kingdom, self-constituted, and apparently totally independent of the government, and regardless of its authority. That a connection, however, of this kind, arising out of the species of toleration afforded to the Association did exist, was a fact which could not be a matter of doubt. The newspapers of the day showed but too plainly the influence the Association exercised over the feelings of the people. There was a fact, however, which had come to his knowledge, and which proved beyond all controversy, the tacit kind of connection which existed between the Association and the Irish people. The fact to which he referred was connected with the conduct of the right hon. member for Waterford. The House would recollect, that an hon. member, last year, had brought in a bill, called the Irish Subletting act. The right hon. baronet, the member for Waterford, presented a petition against that bill, but he, at the same time, avowed, with the greatest manliness, that he was friendly to the principle of that bill. For this honest declaration, the right hon. baronet was denounced by the Association, and his conduct arraigned before their tribunal. With a species of independence worthy of a British senator, the right hon. baronet defended himself against their accusations; and within eight and forty hours after the letter which contained that defence was published, an extensive range of fences which he had erected on his estate was, in one night, levelled with the ground. He did not mean to say that this outrage was perpetrated with the connivance of any member of the Association, but he contended that it showed clearly how much the mind of the public was influenced by its declarations. If he was asked to point out a remedy for the grievance, he confessed he was not prepared to do so. It was not for him either to say with what feelings the government might regard the proceedings of this body, or what information they might possess upon the subject, which induced them to forbear from visiting their offences with prosecution; but he would say, that there seemed to him to be a strong similarity of feeling and of action between the new Association and the old. He implored the friends of Catholic emancipation to raise their warning voice to the Catholic people, and to call upon them, as they valued the success of the cause they espoused, to extinguish a faction which, by its language and its principles, at the present moment, defeated all the exertions of the advocates of the Catholics, and might ultimately bring upon the country that most horrible of all misfortunes, a civil war.

Mr. *Spring Rice* said, he rose for the purpose of seconding the motion. He must call the attention of the House to the peculiar circumstances under which this petition came before them, and to the peculiar character of the speech by which it had been introduced. He recollected the discussions on the Catholic question for the last ten years, and had observed that, in every case, when the discussion was approaching, some hon. gentleman had brought forward some question which raised an angry discussion, and induced gentlemen to come to the main question with warm and angry minds. He did not mean to say that the hon. gentleman's speech was intended for that purpose, but certainly it was well calculated to have that effect. As to the Catholic Association, he cared neither for its censure nor its applause: they were alike indifferent to him; but he must say, that the instance which the hon. member had adduced completely proved that the Association had no control over them. It was quite clear, from the hon. members own showing, that legislation had failed to suppress it. He readily admitted the dangers that might result from the Association; but the question was, how was it to be suppressed? He, and those who were of his opinion, declared that Catholic emancipation alone could bring about that desirable object. This was the remedy they proposed. The hon. gentleman had found that legislation was no remedy, and he had no other to propose. He thought, however, that the hon. member was bound, as he refused all liberal propositions, to bring forward some measure, which would show the principles upon which he would govern Ireland.

Ordered to lie on the table.

Corn Laws.] Mr. C. Grant moved the order of the day, for the House resolving itself into a Committee of the whole House on the Corn Laws. On the motion, that the Speaker do leave the chair,

Mr. *Leycester* thought the proposed resolutions highly objectionable. They tended to create a scarcity at one time, and a glut at another. The consequence would be, that the consumer would be injured by there being no importation at a period when importation was most wanted, and the grower would be injured by there being an excess of foreign grain in the market at a period when he could least afford it.

Mr. *R. King* said, that with the present state of the currency and the existing taxation, it would be impossible to afford to agriculturists that protection to which they were entitled. The House could not divest the consideration of the Corn question from that of the currency; and the principle of the currency ought to be brought into full operation, before any decision was come to on the present subject. He could not forget, that the return to cash payments had been attended with more ruinous consequences to the agriculturist than any thing that had been brought about by the war. But, in urging the necessity of affording protection to the landed interest, he disclaimed the slightest wish of subjecting the manufacturing classes to a burthen which they could not bear. Nothing was further from his intention.

The House then went into the committee, and the chairman read the resolutions *seriatim*.

Mr. *Benett* said, he flattered himself that the resolutions he was about to propose were so nearly like those submitted by the right hon. gentleman opposite, that he would at once accede to them. The resolutions he had drawn up, also approached very nearly to those which the hon. member for Dorsetshire moved last year. He proposed, then, that when the price was under 56*s*. per quarter, imperial measure, the duty should be 38*s*. 8*d*., that duty to decrease 2*s*. for every increase of 1*s*. in price. When the price reached 70*s*., he proposed that the duty should decrease 3*s*. for every rise of 1*s*. in price. It appeared to be conceded on all hands, that a fair profit must be allowed to the cultivator of the land, otherwise it could not be expected that he could pay his rates, and that proportion of taxation which was incidental to the land. He, for one, thought, that the protection ought to be extended to 62*s*. 8*d*. He agreed with government as to the precise point of price from whence the ascending and descending scale of duty ought to start. That, indeed, was now, it might be said, conceded as a given point, by almost all persons interested in the question. It appeared to be the principle of the government scale of duties for the present year, that for every shilling that wheat diminished in price from 62*s*., a duty of an additional shilling per quarter was to be added. Thus, the duty on wheat, when the price was 62*s*. being fixed and conceded at 24*s*. 8*d*.; upon the price falling to 61*s*., the duty became 25*s*. 8*d*.; when 60., 26*s*. 8*d*.; when 59*s*., 27*s*. 8*d*.; and so on until the price reached 55*s*., when the duty was to be 31*s*. 8*d*. Such was the proposed scale of government to afford protection to the agriculturist. Instead of this protection, which he considered objectionable in several respects, he should, in the course of the evening, propose a scale of duties which, taking 62*s*. as the medium or pivot price, were to be arranged so as to create on every shilling which wheat decreased in price, an increase of duty to the extent of 2*s*. Taking, therefore, the duty at 24*s*. 8*d*. on wheat at 62*s*., when it fell to 61*s*. the duty would rise, according to his plan, to 26*s*. 8*d*.; when it fell to 60*s*., the duty would rise to 28*s*. 8*d*.; and when it reached the minimum 55*s*., it would be exactly 38*s*. 8*d*. per quarter. The difference between his principle and that of government was, that he put the higher rate of duty on the lower-priced corn imported, which was the sort of protection the agricultural interest required; instead of which, the scale of duties proposed by government, put the higher rate of duty on the higher priced corn imported; which was, in fact, not the description of protection they felt would be desirable. His project would extend protection, through the medium of the duties he proposed, so as to be sensibly felt, to 56*s*. per quarter as the importation price; whilst that offered the agriculturists, through the government scale, was only sensibly felt to the extent of 58*s*. per quarter. The protection afforded by the resolutions of 1827, and those now under consideration, corresponded so far as respected the importation price of wheat at 58*s*.; and here was the only instance in which they were alike. In both these scales the duty was 28*s*. 8*d*., whereas his would, in this instance, be a duty of 32*s*. 8*d*. He certainly wished to have the agriculturist effectively protected against an influx of foreign grain, until the price of wheat reached 62*s*. per quarter, which was as high a protection as he could get from ministers, or from that House. The scale of last year's duty had the effect of creating a protection to the landed interest of 1*s*. more per quarter than that of the scale now proposed by government. He begged to be understood, that his was not a proposition to increase the scale of duties, but to increase the protection which all admitted it was desirable to extend to the agriculturalists; and also a proposition which tended to decrease that scale of duties, when they were no longer so essential as a protection to the land-owner, whilst they must necessarily have the effect of protecting the importer of foreign wheat, after corn had risen to the pivot price; as they very perceptibly decreased when the price attained 62*s*., contrasted with the duties recommended to the adoption of the House by his majesty's government. It was admitted on all hands, that it was for the interest of the community that protection should be given to the agriculturist, in order to enable him to meet the heavy demands on the land in the way of rates, and other liabilities; but the most important of all admissions was, that it was not possible England could reckon on a regular supply adequate to its wants, except from its own agricultural means.—The right hon. gentleman opposite had remarked, that if his resolutions were agreed to by the House, the agriculturist would experience a protection, as long as the price was not above 58*s*. He could not see how this could be, if wheat could be imported from the continent at 29*s*. 4*d*. per quarter. With the duty at 28*s*. 8*d*., it was clear that wheat might be imported at 29*s*. 4*d*. into this country. All this proved the fallacy of the assumption of last year, that wheat could not be imported into this country without paying for it in foreign ports, a price amounting to 34*s*. per quarter; because, if the scale of duty fixed by last year's resolutions was, at 58*s*., 28*s*. 8*d*., then it must be clear the price left to the importer, when the duty should have been paid, would not exceed, including all charges of transit and freight, 29*s*. 4*d*. This was a fair specimen of the fallacious style of the arguments he had to contend with. Indeed, so far from this being true, corn of the best quality had been imported last year, in any quantity, and all expenses paid thereon, at so low a price to the importer as 22*s*. per quarter ["No, no," from Mr. C. Grant.] He had taken considerable pains in forming the calculations on which he framed his propositions, and he had every reason to believe they were correct. Hence he was emboldened to assert, that, with an import duty of 28*s*. 8*d*., there was left a clear remuneration to the importer of 29*s*. 4*d*., when wheat was selling in this country at 58*s*. It was clear, then, that he only sought from the committee a fair protecting duty to the agriculturist at home. When the price rose to 62*s*., which was considered high, then, as the duty was no more than 24*s*. 8*d*., the importer had 37*s*. 4*d*. given him for the wheat he brought here. He felt disposed to decrease the duty rapidly after wheat had passed 62*s*.; for the higher it rose the less the agriculturist required any protection. But he had good reason to believe, that it was not so much in the contemplation of government to increase the protection to the landed proprietor, as to create a permanent source of revenue through the medium of these duties. If such was the object of government, he would suggest a few alterations which would accomplish that object. It had been said, in arguing this question, that notwithstanding the great fall which had taken place in the price of wheat, from 62*s*. to 52*s*., the agricultural interest had not suffered proportionally in the price received for the article thus raised from the land, but the difference of price was repaid by the fall experienced in the remuneration for manual labour; or, in other words, that the farmer had squeezed the difference out of the wages of the labourer. Now, this reduction in the price of manual labour was effected in consequence of what was said of the demand for labour having decreased, whilst the supply of labourers continued the same: yet, said the hon. gentleman who was opposed to him in principle, the seven million sterling thus alleged to be lost to the agriculturist in the price of his corn, were not lost to him in consequence of the great depreciation in the price of labourer's wages. He believed all this part of the argument proceeded on a false assumption. He thought there was no surplus of labour, at least no permanent surplus. That there was a surplus occasionally, no one would deny: more especially must that event take place in a country full of manufactures like this. What was now heard of the surplus labour amongst the silk and other weavers, which gave so much concern within and without those walls some time back? There seemed to some on the opposite bench, so little chance of their being employed, that a project was hinted at, for sending them as colonists to Canada. But they did not go out; the evil remedied itself. The same might be said of the carpet-weavers, who were so very generally out of employment a short time since. They had been a few days ago—such was the demand for labour in this branch of our manufacture—nearly in a state of open rebellion for high wages. This must always be the case in a great manufacturing country. Where, then, was the proof that there was a superabundance of labour? Now, he would take upon him to assure the committee, if they only gave to the agriculturist 62*s*., 60*s*., or even 58*s*., which it was admitted was 2*s*. less than they were in fairness entitled to, the House would be troubled no more with any attempt to prove that there was a surplus labour in this country which could not be employed.—In stating his impression on this subject, he spoke as a citizen of this great State, although himself an agriculturist. The independence of England on other countries, in respect to a supply of the necessaries of life, was, next to its general prosperity, the wish uppermost in his heart. A strange argument had lately been adduced against affording the agriculturist the protection he solicited. It was said that, during years when the agricultural interest had been protected, we had low prices: and it was thence inferred, that as high prices were better for the agriculturist than low prices, it would be more desirable, even to themselves, that the agriculturist should have no protection afforded him against the foreign grower. But that was an argument both weak and dangerous: for there was little doubt, if no such protection was afforded, that famine would, in some instances, be the result. The farmer, when his stack-yard was full, would be glad to part with wheat whenever it bore a remunerating price; whilst the great capitalist could afford to hoard up his imported wheat in his granaries. He felt the necessity for protection from the comparatively low-priced wheat, so as to encourage our own agriculture. After it rose much above 62*s*. it was of no service or value to our own growers. A state of dependency, as to the main article of food, on other countries, or even on our own government, was very unwise. Mark its effects in China, where, in despite of the providence of their paternal government, as it was called, starvation and famine were often the result. The best public granary was the farmer's stack-yard, who was constantly compelled by his own pressing wants to part with his grain, which he could not, by the by, conceal; whilst the mercantile speculator hoarded it up in secresy in his granary waiting for high prices. If there were any thing more certain to produce high prices than another, it would be found in a prohibition or a discouragement to home cultivation. He trusted that the right hon. gentleman, to whom this important arrangement had been confided, would feel that as all his objects could be accomplished by adopting the scale which he had now submitted to the House, comprising, amongst other advantages, a lower average of duty generally, a higher duty on low-priced foreign grain, and a comparatively trifling duty on the higher, would not hesitate to adopt those resolutions, which would not only accomplish all that was desirable for the welfare and supply of the community, but prove most satisfactory to that class of his fellow-subjects whose interests he had the honour that evening to advocate. The hon. member then submitted his string of resolutions, the first of which was read from the Chair as follows:—"That when the price of wheat in our market shall be under 56*s.* the quarter, imperial measure, the duty payable on the importation of foreign wheat into any of the ports of this country shall be 38*s.* 8*d.* per quarter."

Mr. *W. Whitmore* said, he trusted the House would afford a patient attention to the subject, and that every member would conceive it to be his duty to attend to the statements of those who, from peculiar circumstances, felt deeply interested in the question. He confessed he was dissatisfied with the scale proposed by the hon. member for Wiltshire, as well as with that proposed by government. He firmly believed that a high scale of restrictive duties would not save the interests of the agriculturists. It was not difficult to foresee what would be the effect of the introduction of a scale of duties arising so rapidly as those now before the committee. No duty, perhaps, ever could be proposed that would be effectual in keeping out foreign corn. He therefore did not wonder at the statement of the hon. member for Newcastle, who had said that it could be imported at 24*s.* All the arguments which supported this or that rate of duty were founded on the restrictive system; and that restrictive system itself was founded on principles and opinions so erroneous, as to constitute the great evil under which the country was suffering. If this country were to exclude itself from the corn market of the world, it would artificially create a higher scale of prices, than if the trade was left to its natural operation. He could quote, in confirmation of this opinion, the report of Mr. Jacob, which was one of the most valuable documents, both with regard to reasoning and information, that ever was laid before the House. In that report Mr. Jacob maintained the doctrine he had just stated, and after making an estimate of the expense of carrying grain by land, had inferred, that when it was necessary to transport grain two hundred miles by land, the expense of carriage would absorb the whole of the original price, even taking that price at a high average. Another part of the subject which appeared to him of immense consequence was the effect of these measures upon the supply of corn. He begged leave to remind the House, that in 1823, a period of great agricultural distress, he had ventured to say, that they might look forward, within a short time, to the return of high prices. Notwithstanding the effects that had been produced since, he felt himself justified in saying, that the data on which he then proceeded were correct; for if he was in error, it was only because he had not contemplated the extraordinary circumstances which had since taken place, and especially the great importations from abroad. The fact, however, was certain, that since 1823, there had been a diminution of production in corn to the extent of four millions of quarters, or about six hundred thousand quarters annually. In truth, the country wanted every quarter that she could draw from abroad to meet her own consumption. So that the great alarm which was felt by some, lest the supply should be limited, or endangered, by throwing open her ports to the reception of corn, belonged to the opposite system, and not to that. Mr. Jacob had entered upon that subject also, and though Mr. Jacob's figures were different from his, the calculations of both led to the same result. Indeed, if he had taken Mr. Jacob's figures, he should have made out a still stronger case than he had established by his own data. Mr. Jacob had estimated the falling-off, not at four millions, but at six millions, nine hundred thousand quarters. If gentlemen would only reflect on the bearing which that part of the subject had upon the production of food, it could not fail to impress them with a due sense of its importance. The restrictive system was the evil against which they were bound to guard: while that lasted, they must suffer the inconvenience of an artificial system; and no man could calculate to what a frightful extent it might eventually proceed. Instead of exercising their ingenuity to get a shilling more, or a shilling less, they would best consult their own interest, and that of the country, by meeting the question on the broad principle of restriction or no restriction. He would say, not only that the restrictive system was bad, but that its effects would be felt more and more, in proportion as our population advanced. In this part of the argument Mr. Jacob agreed with him again. According to his statement, the population of Europe had increased, since the year 1815, twenty-eight or twenty-nine millions, and that of England and Ireland within the same period three millions, five hundred thousand. If the population went on thus, and the system still continued to be persisted in, the subject must sooner or later force itself on the attention of the legislature, in a manner that could not be disregarded. The great principle for which he contended was free trade: if they preferred an artificial position to the high natural one which their country seemed destined to occupy, they must expect to reap a fatal harvest. In 1816, which was a year of great deficiency, the price was high of course; but looking to the average prices since 1815, they would find that no conclusion would be drawn favourable to their view of the subject. The average prices from 1815 would lead to the conclusion, that though there was a rise of price for a time, it was followed by a strong re-action and a rapid fall. Such was the evidence borne by experience to the inefficacy of the law of 1815. In fact, it was not a benefit, but an injury; for though the price was a little raised in 1818, it was followed by the greatest import that ever was known—an import which emptied all the granaries of Europe. Since that period it was true that a moderate price had prevailed. But why?—because a want of confidence in the law prevented the embarkation of property to the extent that might otherwise be expected in the purchase of foreign corn. If the law of 1815 had been in operation during the years 1824 and 1825, the spirit of speculation which was then running riot in all the other branches of trade, would have swept every granary in the world; a re-action would soon have followed, and the same ruin would have been experienced in the corn trade which had visited the rest. Restrictive laws, so far from operating as a protection, added wings to the fluctuation which they were intended to remedy. If a regular trade in corn was allowed, the agricultural interest would be materially benefited. It was for their advantage to have a natural not an artificial basis to their trade; and he spoke advisedly when he said, that since the period when those laws were first adopted, the value of land had not increased. It was his wish to have proposed some resolutions, but being precluded by the forms of the House from doing so at the present moment, he should content himself with saying, that he considered the measures now proposed so utterly at variance with sound principles of legislation and the true interests of the country, that he should oppose them upon all occasions, as founded upon the miserable, paltry, absurd, and ridiculous, system of exclusion.

The amendment of Mr. Benett, by which the duty was to decrease by 2*s.* instead of 1*s.* when the price was at 62*s.*, till it reached 67*s.*, was then put, and the gallery was cleared for a division, but none took place. On the admission of strangers,

Mr. Secretary *Peel* was contending, that the protection which the bill would afford to the agriculturist was abundantly sufficient. After stating various returns of the prices of corn at Guernsey and Jersey, and of the price at which it could be imported from those islands into this country, he proceeded to observe that the facts that, when the duty was 26*s.* 8*d.*, only two thousand quarters of foreign corn had found its way into the home market; and that at Rotterdam, where there was a free trade in corn, 31*s.* and 32*s.* were the average prices, established the fact, that there could be no importation of foreign corn sufficient to check the agriculture of this country; and, therefore, that it was not necessary to increase the duty.

Mr. *Portman* said, that in answer to the Guernsey case, which had been adverted to by the right hon. gentleman, he would refer to the case of Rostock. Sir Claude Scott, when he was examined before the Lords' committee last year, had said that corn could then be imported from Rostock to London at 22*s.* a quarter. When asked, why it could be imported at so low a rate, his answer was, that wheat had accumulated there for want of a market. Such, he would contend, would be the case on the occurrence of every good harvest; and at those periods corn would be at the price just mentioned. The next question put to sir C. Scott was, what was the quality of the corn to which he had alluded? The answer was, that it was such as would be bought by any miller in this country—sweet, sound, and good. The Rostock case, therefore, might be fairly set against the Guernsey case. When asked the prices at which corn might be imported into this country from Dantzic, sir C. Scott answered, from 27*s.* to 30*s.* Now it was clear that, if foreign corn could come into the English market at 56*s.*, the agriculture of this country had no protection. In the report of the Lords' committee, the price of wheat, in the preceding year, at Dantzic and Hamburgh was detailed. It appeared that at Dantzic, in the first quarter, it was 29*s.*, in the second 27*s.*, in the third 20*s.*, in the fourth, 28*s.* It also appeared that at Hamburgh, in the first quarter, it was 29*s.* 6*d.*, in the second, 21*s.* 4*d.*, in the third, 23*s.*, and in the fourth, 22*s.* 9*d.* The hon. member then made some quotations from Mr. Jacob's second report, and contended, that under the present scheme, the importation of foreign corn would, in certain circumstances of the country, interfere greatly with the farmer, and place him in a worse situation than through a bad harvest. He believed that government was disposed to give protection to the British farmer, but that protection was not afforded by the present resolutions.

Mr. *Peel* said, the hon. member had relied on a statement of sir C. Scott respecting a single cargo in 1826, from Swedish Pomerania, at 23*s.* the quarter; but sir C. Scott, on being asked in the committee if that was not a low price, had answered, that it was the lowest price he ever remembered.

Mr. *Leslie Foster* began by remarking upon the absurdity of the apprehensions which some agriculturists entertained with respect to the importation of foreign wheat. The lowest average price, he had heard, was about 32*s.* and the duty would be 34*s.*; which made the price of the wheat 66*s.* if sold in this country. He had always been as much afraid of too much protection as of too little; for he considered the one likely to have an effect as injurious to the interests of the agriculturists as the other. If they could induce the government of the country to give them too much protection, the consequence would be, that they must lose it in a moment of famine and distress, when all laws proved unavailing; and when they had thus lost it, the prejudices of the people against such a system would be so strong, that they would never recover it. He was disposed to support the present measure, because he saw in it concessions of substantial importance to the interests of the agriculturists. Some persons were disposed to moderate these concessions; but they ought to recollect, that the great pinch with the agriculturists was when the price reached between 58*s.* and 65*s.* A great deal had been said about the prices of corn in foreign ports, and the low rate at which it was purchased in Dantzic and Lubeck, and in Bremen and Rostock; but what he wished hon. gentlemen to direct their attention to was the fair average price for a series of years. In the port of Rotterdam, where importation was allowed free of all duty, the fair average price for the last seven years had been 32*s.* a quarter; and this he considered the fair average price of the continent of Europe during that period. The price to which he alluded was the price of Rotterdam, without any demand from England during that period, and therefore must be taken as a minimum price; but when the ports of this country were opened to importation, he had no doubt the price would immediately rise much higher. If, however, the opening of the ports of this country should have the effect of raising the prices of the continent for a short period, its ultimate effect would be to bring the poorer lands of those countries into cultivation, and thereby to bring the price below the comparative standard of England. It was therefore, he contended, that this was strictly a question of degree; and although he had not before voted with ministers on any corn bill, he was now disposed to give them his support, because their proposition enabled the country to resort with safety to the continent, through their speculators at home, when the state of the harvest rendered it expedient.

Mr. *Huskisson* wished to make one observation respecting the price of wheat on the continent. According to the evidence of Mr. Jacob, the actual price of wheat at Mecklenburgh, for a course of six years, was 25*s.* 10*d.* The best was shipped for this country; but even the best was much inferior to English wheat. Supposing the price of English wheat 60*s.* the quarter, that shipped at Mecklenburgh would be inferior by 8*s.*, and in that case there could be no profit to the grower. Was it possible to say that, when wheat at Rostock was 22*s*., and the price in this country was 58*s*., there could be a sufficient remuneration to the foreign grower, after the expenses of freight and duty? From all that he could learn, he was convinced that 60*s*. was a fair remuneration to the agriculturist.

Mr. *Ward* doubted very much whether 35*s*. was not much nearer the medium price of foreign wheat than 30*s*. In determining a question of this kind, they ought to look to the quantity which might be imported. If they bought one million of quarters, the price might be about 35*s*.; but if the demand came to five millions, then the price of foreign corn would be much higher. He thought the present scale much too high; but as there was little probability of obtaining a better at the present moment, he would support the resolutions.

Sir *T. Gooch* said, he had listened to all the arguments brought forward for and against the measure, and could honestly state, that until now he had not come, in his own mind, to any satisfactory conclusion. His mind was now, however, made up, that the system produced to the House by his majesty's government was preferable to any that had yet been propounded. He had taken some pains to collect the average prices of wheat at all the northern ports for some time past, and he found that, taking the cost, or export price, at 25*s*. per quarter, the duty on importation at 29*s*., and freightage at about 8*s*., the price of such wheat, when brought into this market, would be about 62*s*. Now, would any man in his senses speculate on such a price? As all classes of the community were concerned in this important question, a little should be given, and a little taken on both sides. The agriculturists, therefore, and the manufacturers, had reason to be both satisfied with a scale, which considered both interests, without sacrificing either of them to the other. He, for one, might think that the agriculturists had a right to ask more protection; but he would rather that they should have less, and that a spirit of conciliation should prevail between them and the rest of the community. This was most important; but one thing, if possible, more important, was (and this he hoped the present proposition would effect), that this great question should be finally settled.

Mr. *Baring* said, he decidedly preferred the system now proposed to that brought forward by the late government. He entirely agreed with the right hon. member for Louth, that nothing could be more idle than the perpetual references made in that House to the average prices of wheat at various foreign ports. It was ridiculous to make references of this kind when they had just opposite to them, as it were, and had had, for the last century, a port, Rotterdam, which had always been, as to corn, a free one. At that port the price usually varied from 30*s*. to 34*s*., the same would be the price in the port of London, if the Thames were equally free: and it should be recollected, that this comparison was not without its application; for the provinces of Holland composed a country of no trifling consumption of corn. They were still populous, and had once been extremely opulent and powerful, as a manufacturing nation; nor let hon. gentlemen ever forget that from that opulence and power they had declined, absolutely, from levying enormous duties upon the corn consumed by their subjects. The same fate, resulting from the same cause, as irresistibly awaited this country, as one day succeeded another.—As to the talk about high prices, the danger of our present system arose, not from positive, but from relative, prices. He owned he was amazed at the course which so many gentlemen had pursued upon this question. How was it possible that any men, having the powers of reasoning or reflection, could come down to that House day after day, and talk about protection to corn—protection to wool—protection to oak bark—the difference, meanwhile, in the price of bread between Great Britain and the natives of the continent being as the difference, in favour of the latter, between 25*s*. and 64*s*. How was it possible that they should expect we could go on exporting manufactures, as we now did, to the amount of between fifty and sixty millions a year, there being this frightful disproportion between the relative prices of corn among ourselves and our continental neighbours? Heartily did he wish that some man among them, with honesty in his heart, would come down and tell them plainly it was their duty to consider, not how they might get in their own proper rents for that particular year or so, but how the country was to subsist with its establishments for the next twenty or fifty years. But, on the contrary, he declared with pain, that whenever the corn question came on for discussion, it was argued by them on the most selfish, and narrow-minded principles, that any legislature ever condescended to listen to. He was himself a landed proprietor; but he disdained to seek protection for his interests in that capacity, by means which, being intended for the benefit of one class of the community, must one day crush them all. He hoped that the government would stand by their own system, without listening to the projects of those, with whom he, for one, acknowledged that he could not trust himself.

Sir *M. W. Ridley* disapproved of the system of taking averages, and expressed his perfect approbation of the measure proposed by the right hon. gentleman (Mr. C. Grant.)

The committee divided: for the original motion 230; for the amendment 32; majority 198.

Mr. *Portman* proposed as an amendment to the resolution establishing the descending scale at steps of 1*s*. each, that instead of 1*s*. advance in duty upon every integral shilling of fall in price between 62*s*., it should be 2*s*. for every integral shilling decrease. This was the scale of last year, and he had not heard any satisfactory reason for the departure from that arrangement.

Mr. *Western* wished to ask the right hon. gentleman opposite, what discovery he had made which had induced him to abandon the scale on the descending price, which he had proposed to the House last year, and to adopt one which gave inferior protection to agriculture? It was admitted, that the country did not stand in need of a foreign supply, and that the object of this bill was to prevent any such supply, up to a certain point. Why, then, did they refuse to satisfy those who apprehended that these duties were insufficient? The most intelligent among the growers of corn thought that the reduced scale of duties on the descending price was insufficient; and it was deviating from the measure of last year in this respect, that made the bill look like a compromise, which gave a higher price but removed protection. He admitted the advantages of this bill: it was a point gained: it had satisfied the country, that there were those in the cabinet who would give protection to agriculture, and had relieved the people from those apprehensions which they had lately felt.

Mr. Secretary *Huskisson* did not know if the hon. gentleman had addressed his question to him. If he had, he could assure the hon. member that, without having recourse to compromise of principle, this deviation had taken place. It appeared to him, however, that one part of the hon. member's speech was an answer to the other. On the one hand there were great apprehensions, and on the other, confidence in the government: he thought, therefore, that the two feelings might be safely left to balance each other. He did, however, think that there could not be much alarm in the country on this point; for if there had been, they would have seen a different division from that which they had just witnessed. The hon. member had asked, why they had given protection on the ascending scale, and taken it from the other? It was thought that 60*s*. was the price at which protection should be given to British agriculture—protection which could not amount to strict prohibition, but which would prevent any material importation of foreign corn. It was thought, from the experience they had had since the last year, that a duty of 20*s*. was not sufficient, and therefore the duty had been raised to 24*s*. On making this change, it was thought advisable also to make the alteration in the descending scale of which the hon. member complained.

The committee divided: for the original motion 140; for the amendment 50; majority 90. After which, the chairman reported progress.

HOUSE OF LORDS.

Monday, April 28.

TEST AND CORPORATION ACTS REPEAL BILL.] The bill was read a third time. After which, the clerk proceeded to read the bill, until he came as far as the Declaration in the second clause, upon which

Lord *Holland* rose to propose an amendment. The Declaration, as it stood at present, commenced in these words:—"I A. B., do solemnly declare, in the presence of God, &c. on the true faith of a Christian." Now, to the previous form of words he did not object; but with respect to the present, he felt it due to that most respectable body of Christians, the Society of Friends, to state, that these words were likely to affect their consciences. Their lordships were aware, that in the Toleration act, passed in the reign of William 3rd, an oath was introduced, which all persons taking the benefit of that act were required to take. But many of the body to which he had referred were deprived of the benefit of that act, because their religious scruples would not allow them to take an oath; in consequence of which, in the true spirit of toleration in which the measure was proposed, a clause was subsequently introduced, substituting a declaration to be taken by that class of Christians in lieu of the oath. However, in time, the same conscientious persons who had scrupled taking the oath considered that the declaration "I solemnly declare before God" approached so nearly to an oath, that they could not take it, without doing violence to their religious feelings; whereupon the legislature carried their deference for those feelings so far, as to introduce a clause, allowing them to take the declaration in these words, "I solemnly and sincerely declare." This proved the respect in which the legislature had held the religious sentiments of that most excellent class of his majesty's subjects. It also showed, that they considered that the oath or declaration ought to be adapted *ad animum deponentis*. However, he trusted that when the members of that class found that a proposition to substitute the word "swear" for "declare" was rejected, they would not consider the present Declaration to border so closely on an oath, as to excite any scruples in their minds against taking it. Although, therefore, in order to avoid throwing the slightest difficulty in the way of this great and glorious work, he would not move the omission of these words, which some noble lords seemed to consider essential, yet he thought it due to those worthy and excellent men to whom he had referred, to state, that he should be acting disingenuously, if he did not call the attention of the House to those words. His objection to the words "on the true faith of a Christian" was, that they implied, though they did not absolutely express, that a particular religious faith was necessary to the due discharge of a civil duty,—a principle which he never could acknowledge. He had also considered how these words would affect the members of the Jewish persuasion. He recollected that when the introduction of another measure into another House was found to have a similar effect, parliament immediately relieved them from the consequences of it. The history of the condition of this people in this country was well worthy their lordships' consideration; but if he were to attempt to describe their condition, from the time of Charles 2nd until the reign of queen Anne, he should be taunted by his noble and learned friend at the table (lord Eldon), and told that he was intrenching on the province of a lawyer, [a laugh]. Every man acquainted with that history, and having the feelings of an Englishman, must wish that they were subjects of Great Britain. However, since the reign of Charles 2nd., there was nothing to keep a Jew out of parliament, except the Oath of Abjuration, which was introduced into the Toleration act. That act was passed against the adherents of the House of Stuart, to keep the exiled family from the throne, and preserve the influence of William 3rd. Now, although those who were inclined to taunt the memory of that great man might say, that he, as well as the House of Hanover, was more hostile to the Jews than the House of Stuart had been, it so happened that it never was the intention of parliament, on that occasion, that the act should have that effect. This was not a little hard, however, upon those who were so affected by a bill of which they were not the objects; but it would be harder still upon them on the present occasion. In the reign of George 1st, a somewhat harsh law was passed, for the purpose of inquiring into the state of the property and the residence of those persons who were supposed to be friends of the exiled prince. The way in which it was done was this—every man was obliged to take the Oath of Abjuration, and to register his estates, place of residence, &c. The Jews found they could not take all the oaths required in this act, because of the words "on the true faith of a Christian." They therefore applied to parliament on the subject, and the 10th of George 1st was passed, allowing them to leave out the words "on the true faith of a Christian." That act, however, was but a temporary one, and had expired. In ten or twelve years after, when government were anxious to procure settlers for the North American colonies, and particularly Jews, who were supposed likely to be possessed of capital, a law passed in the 13th of George 2nd to enable foreign persons, not Roman Catholics, to be naturalized there; and in the oath which that act prescribed the words "on the true faith of a Christian" were left out. Now this proved, first, that measures of this kind frequently produced consequences to individuals who were not intended to be affected by them, and who were not objects of alarm; and secondly, that parliament, when it found that such was the case, always dispensed with the words which produced this injurious effect. It was unnecessary for him to inform their lordships, that if he could act upon his sentiments, he would leave out these words; but he would, at all events, move the introduction of a clause giving Jews permission to make the Declaration without using these words. Although he would prefer leaving the words out altogether, yet, if they were an addition which other noble lords who supported the bill deemed important, he would not press his objection to them; because he believed them to have been proposed from a feeling not hostile to the spirit of the bill. However, he would put it to their lordships, whether in a bill intending to give relief to one class of persons, it was fair to impose another shackle in addition to those which they already bore, on a body of men who were not the objects of the bill. He was most anxious that this great work should not be disfigured with that which would work such a hardship upon this body of men; and he would, therefore, propose that those words be omitted; and if not, then he would leave it to some other noble lord to move a clause in a subsequent part of the bill, giving Jews permission to omit the words "on the true faith of a Christian."

The Bishop of *Llandaff* said, he had not been aware of any such consequences arising from the introduction of the words in question; but although they were now pointed out by the noble lord, he still approved of the words, because it was an acknowledgment, that Christianity constituted part of the law of the land.

Lord *Bexley* said, that as it was so much the object of parliament to give relief to all classes of his majesty's subjects, he was disposed to support in principle the motion of the noble lord, by introducing a proviso permitting the Jews to omit these words. To this he saw no objection. If they had heretofore admitted any Jews to occupy offices, it would be a monstrous thing now to exclude them, by means of a bill which had for its object to give toleration to another body of men. He should, therefore, at the proper time, move a proviso to the effect suggested by the noble lord.

The Earl of *Eldon* said, that no man would deny that the Established Church and the civil state formed together the constitution of this country. That was a proposition which not only Christians but Jews admitted, and he requested their lordships to bear it in mind. His noble friend (lord Holland) commenced his speech by hinting some propostion with regard to the Quakers: and here he must do his noble friend the justice to say, that he had told him (lord Eldon) last session, that he hoped the time would come when he should never more hear of the word toleration. Now, in the Toleration act itself, the Quakers were required to express a belief in the doctrine of the Trinity. But it seemed that Jews had now been rendered capable of participating in the civil government of this country. Some of their lordships were old enough to remember the result of an attempt of that kind formerly. He requested their lordships would be so kind as to feel a little for those who felt that the doctrines of the Established Church were the doctrines of true Christianity. Let it be remembered, that the Jews were here and there and every where, and yet they were no where; and that they were a people whom their lordships did not acknowledge. But there was no denying that a Jew was as capable as any other man of filling a civil office. That, however, was not the principle on which their lordships acted. If they were to legislate on this principle, that a state had no right to inquire into the religious feelings of a man before he was admitted a member of a governing community, there would be an end to the foundation on which the constitution of this country rested. He considered this Declaration quite insufficient; because any man who took office might say, he was not doing any thing "by virtue of his office" to overturn the Established Church; what he did would be by virtue of his conscience, and its dictates would lead him to do every thing in his power to overturn the ecclesiastical establishment to which he was opposed.—After his noble friend's motion was disposed of, he would move the introduction of the words "and that I am a Protestant," and take the opinion of the House upon it. Their monarch was called to the throne to support the Protestant religion, and every act of parliament on the subject took care that the prince governing this country should be a Protestant. Their lordships had had a debate the other night as to the operation of the Test act. Now, he knew that he had the reputation of being very much addicted to doubting; no man, however, was more anxious than he was, that the opinions of his noble and learned friend on the woolsack should carry with them the greatest possible weight. Under these circumstances, he should by and by propose, for the purpose of removing all doubts on the subject, a clause, requiring that all persons on entering upon office should take the declaration against transubstantiation. It was already incumbent on persons taking office to do so: he (lord Eldon) thought otherwise; but he did not wish to set his opinion up against that of his noble and learned friend. However, to remove all doubt on the subject, he should propose a clause to that effect. He should now, however, as soon as the present motion was disposed of, move the introduction of the words "and that I am a Protestant" into the Declaration. He was desirous that nothing contained in this bill should affect the claims of the Roman Catholics; but he was quite certain, that unless some such clause as that was introduced into the bill, that question would be most essentially affected by it.

The Earl of *Winchilsea* conceived that these words were perfectly nugatory, so far as the security of the Established Church was concerned. With respect to what the noble baron had said respecting the Jews being affected by these words, it had little weight with him. What were the words? "On the true faith of a Christian." Why might not a Jew make a declaration in these terms? It was not necessary that he should be a Christian to make this declaration. If a Jew made such a declaration, it no more followed that he was a Christian, than it would follow that he (the earl) would be a Jew if he were to declare any thing, "on the true faith of a Jew." Looking at this question as he did at first, he was prepared to agree to the removal of the Test and Corporation acts. It was his full intention to have given his support to any measure founded on the broad basis of liberality to the Dissenters; but he certainly was not prepared to agree to a concession which admitted that it should be a matter of perfect indifference what religion a man professed, or, indeed, whether he professed any religion at all. He deeply regretted the hasty and inconsiderate manner in which a bill of such vital importance had been carried through both Houses. There were those among the supporters of it, those, who, at a future day, would deeply lament that they had not resisted the attempt at a total repeal of the Test and Corporation acts, which must leave the country without that rock, on which their prosperity had been founded—the rock of the Christian church. He could assure the right rev. bench, that their conduct had not given satisfaction to the majority of the members of the Established Church nor of the Dissenters. He should be, to the last hour of his life, proud of the opposition which he had given to this measure, and would not barter one tittle of it for all the wealth, honours, and titles which the world could bestow.

The Bishop of *Durham* said:—My lords, although I have already more than once troubled your lordships with my sentiments on the measure now before us, yet during the discussions that have taken place since the second reading of the bill, so many animadversions have been made, not only upon the bill itself, but upon the supporters of it, and especially upon the episcopal bench, that I cannot forbear entreating your lordships' patience for a few minutes, whilst I offer some further explanations as to the conduct I have myself hitherto pursued, and still intend to pursue concerning it.

My lords, never since I have had the honour of a seat in this House, have I witnessed a discussion, to me so painfully distressing, as this has been. It is the first time, and I trust it will never happen again, that I have found myself opposed on a great constitutional question, affecting the interests of church and state, to persons whom I have been always accustomed to regard with respect, esteem, and affection, as among the ablest and purest, and firmest defenders of those interests. This has inflicted a wound more painful than I can express; and it is certainly not much mitigated by the sort of commendation which has been bestowed upon us, on the other hand, by some of the most strenuous promoters of the bill.

When this measure was first brought forward, I was not insensible to its difficulties and its dangers; and most sincerely did I wish it might have slept in peace, And I believe that it might have slept in peace, had the wishes only of the most respectable Dissenters been regarded; many of whom, there is reason to think, are very indifferent as to the fate of this bill. I cannot, therefore, but regret that it has ever made its appearance. But, my lords, when it had actually been brought forward, and had reached the House, a new crisis presented itself to us. Not only the sense of the other House of Parliament in its favour (for I do not mean to say, that the decision of that House should in any way restrict your lordships' judgments upon it), but also the strong feeling excited for it in the public mind, placed myself and my right reverend brethren in a new and critical situation. And here, my lords, I must take leave to say, that with respect to the episcopal bench, a somewhat hard measure has been dealt out to it, on this occasion. We were more especially bound to contemplate the subject in its religious aspect. In this point of view it was evident, that not only among the Dissenters, but among the laity and clergy of our own church, a very strong and general feeling prevailed against the Sacramental Test. To this feeling our attention could not but be particularly directed; and this I can truly say, for myself at least (for I do not presume to speak for others, who are so much better able to plead their own cause), is the sole ground on which I have consented to this measure. But this main point, which I felt myself especially called upon to consider as a religious difficulty of the most serious kind, has not, I must say, been fairly met and encountered by our opponents. Even the noble and learned earl, who has so ably conducted the opposition to this bill, and for whom I can never cease to entertain sentiments of the highest veneration and regard, has, I think, scarcely noticed the religious objections to that particular Test. Had any other Test, not liable to the same objections, been in existence, I should probably not have been inclined to part with it. But the Sacramental Test (as seems to be generally acknowledged on all sides) is found to be no longer tenable, without giving occasion of offence. Another circumstance attending this Test, seems also not to have been duly adverted to, though, as I conceive, it strikes at the main principle on which it is assumed the Test laws were founded,—that of excluding from corporations, and from places of trust and power, all but members of the Established Church. This principle (if it were indeed the real one) has clearly been, in effect, departed from by the annual Indemnity bills. For what purpose, let me ask, have those Indemnity bills been granted? If they had only been occasionally passed, to remedy some particular inconveniences that had incidentally occurred, the case would be very different. But when they have been annually repeated for sixty or eighty years, they can hardly be considered as having, for their real or sole object, (what they usually set forth), merely to secure members of the Church of England against the consequences of unintentional omission or inadvertency. On the contrary, they are evidently intended for the very purpose of admitting Dissenters into office. And if this be the case, is not the original purpose of enacting the Test so far actually annulled? When these acts have, in point of fact, been in a state of abeyance, and are rendered so totally inoperative, can it, my lords, fairly be said, that the repeal of this particular Test, with the substitution of a Declaration in its stead, makes any real change in the constitution itself, or breaks up that fundamental principle of it, the alliance between Church and State? Had this measure come up to us, as an unqualified and unconditional repeal of that Test, I should certainly have opposed it, and should willingly have borne my share of the obloquy of doing so. But, my lords, though the nature of the security has changed, the main object of it, I conceive, remains the same. The alliance between Church and State did not originate with the Test laws. That union existed long before. The Sacramental Test, no doubt, was intended, among other enactments, for its better preservation. But if this has, by lapse of time and untoward circumstances, become inexpedient, or even impracticable, I do not see that the substitution of something else in its stead implies any real change of principle. In short, the question is, not whether the fortress shall be surrendered, but whether the outworks shall remain as they were, or be reconstructed on a somewhat different plan. On this question there may be room for diversity of opinion, without any intentional abandonment of the main object.

My own simple view of the matter is this, that the ancient safeguard—whether or not it was, from the first, the best that might have been devised—has now become altogether ineffective and almost nothing worth; and therefore it is, that I am inclined to accept another security less exceptionable in its kind, and I trust not less calculated to produce the intended effect. Yet after all, my lords, I confess I have not so much confidence in the result, as some of its supporters seem to entertain; nor am I entirely free from some misgivings and apprehensions in this respect. Could I feel assured that it will be regarded as a final and conclusive measure by those for whose benefit it is intended, my satisfaction would be much greater. But I see too much reason to apprehend that it may be viewed by many of them as an incipient measure only, opening a way for some ulterior objects. The tone and sentiments of many of the petitions on your lordships' table naturally tend to excite such apprehensions; and, if I mistake not, the noble baron who introduced this bill to the House, observed, on presenting one of those petitions a short time before the bill came up, that he should not consider the object completely attained, and hoped the Dissenters themselves would not rest satisfied — until they had an entire equality of rights and privileges. These are somewhat ominous circumstances. My chief confidence, therefore, is placed in the legislature, which, I trust, will never encourage such ulterior views as may, perhaps, be in contemplation, nor suffer that, which is intended only as a fair concession to reasonable and conscientious scruples, to be made instrumental to other views and purposes, not resting on the same ground. More especially do I feel confident, that those of his majesty's government who now guide the helm of State will be vigilant in preventing and counteracting any such intentions, and not give countenance to encroachments of whatever kind which may put to hazard those venerable institutions, on which the peace and the welfare of the community so essentially depend.

So much, my lords, for my general view of the present measure. With regard to the alterations the bill has undergone in this House, I am unwilling longer to detain your lordships; my opinion is, that such alterations as have been made are substantial improvements, and particularly that the Declaration is much strengthened by the solemn expressions with which it is now introduced. I could have wished, however, that the addition proposed by the noble and learned earl, by which the individual should declare himself to be a Protestant, had been agreed to. I do not presume to enter into the legal differences of opinion on this point, between the two great legal authorities who discussed them; but such is the veneration I feel for the consummate legal knowledge, attainments, integrity, and laborious investigation of the noble and learned earl, and the almost implicit deference I would pay to his opinion, that I could not easily satisfy myself by voting, on such a point, contrary to his judgment. But, in the present instance, my own view of the matter is simply this—if the Oath of Supremacy be sufficient to exclude the Catholic from office, this addition to the form of Declaration cannot alter his case; and if that oath be not sufficient, then I deem it necessary to ensure his exclusion. I regret, therefore, that it has not been adopted.

To another addition, proposed by a noble earl for whom I have the highest respect, enjoining a Declaration of belief in the canonical books of the Holy Scriptures, I should have seen no objection, had it not been thought — according to the terms in which it was framed—to pledge those who dissent from us, to an acceptance of our interpretation of the Scriptures; and had I not felt assured, that the Declaration, as it now stands, comprises the same in substance as a direct acknowledgment of belief in the Scriptures. For the same reason I did not support the proposal of another noble earl, to introduce into the Declaration a more specific designation of our blessed Saviour, conceiving the addition to be already provided for, and feeling, also, objections to the too frequent and familiar use of that sacred name. My lords, having made these few observations and explanations, chiefly from respect to those noble lords who have manifested so zealous an attachment to our venerable establishment, and especially to the noble and learned earl, from whom I can never differ without pain and reluctance, I will detain your lordships no longer from proceeding on the question immediately before us.

The Earl of *Eldon* assured the right rev. prelate that the manner in which he had spoken of him, coming as it did from so valuable a quarter, gave him the greatest comfort and consolation. He must, however, say, that not a syllable had fallen from him in favour of retaining the Sacramental Test. On the contrary it was his wish that it should be taken away. The Sacrament was never intended as a Test for office, but as a Test that the individual called upon to take office was a member of the Established Church. The scruples which were entertained were more than sufficient to require that it should not be retained; but the Church and State together, which formed the constitution of the country, required that, instead of the Sacramental Test, something of substantial protection should be substituted. What was he to think when, under a Protestant king, and a Protestant legislature, he found the rev. bench opposing a proposition like that which he had made? And yet the reverend bench appeared to be of opinion, that the constitution of this country should be handed over to persons, who would not tell what sort of Christians they were, but were merely to call themselves so. It was painful for him to say so, but he must again declare, that this Declaration was a substitute that was not worth any thing; and he would not believe that the character of it was otherwise, until, by passing the bill, the authority of that House told him that the character of it was different; and then he would say no more about it.

The Duke of *Wellington* said, it was his wish to confine himself to the discussion of the question actually before their lordships. But, first of all, he must assure the right rev. prelate, that if this was merely an incipient measure—that if it was intended to be followed up by any other measure—he was no party to any such plan. He had supported the measure, not because he wished to destroy the present system of laws; but because he believed it to be essential to the preservation of the peace of the Established Church, and of the religious peace of the country. In order that they might not have the same ground to go over another year, he had determined at once to give the measure all the support in his power during the present session. And now, for the question before their lordships. It was proposed that the words "on the true faith of a Christian" should be left out of the Declaration with the view of admitting the Jews to office. For his own part, he did not believe it to be the intention of the law that Jews should be so admitted: he did not believe that it was the intention of the laws that Dissenters should be admitted. But, be that as it might, they had for the last eighty years gone on suspending these laws, and it was notorious that Dissenters had been admitted into corporations, although it was the object of the original laws to keep them out. Now, it appeared that the legislature was perfectly well aware that Dissenters were admitted into corporations. There was a law in existence, by which it was enacted that mayors and others should not carry the insignia of their office to places of worship, except where the Cathedral service was performed. Did not the legislature, then, know very well that Dissenters were admitted into corporations? Was not this law a proof that they were acquainted with the fact? It was not so, however, with the Jews. There was no instance in which the legislature had sanctioned the admission of such persons into office. Under these circumstances, therefore, he must oppose the proposition for expunging the words "on the true faith of a Christian." But there was another reason why they ought to remain. It was quite a new principle, and disliked by this country, that Jews should be admitted into corporations and public offices. If, however, the principal was to be recognized, let that question be fairly brought forward, and not be introduced, on the third reading, into a bill which originally contemplated nothing of the kind. He must really take the liberty of suggesting to their lordships that the more convenient course of proceeding, and the only course likely to bring their lordships' labours to a termination, would be for noble lords to confine themselves to the point immediately under discussion, and avoid the debating of points alien from that before the House.

The Marquis of *Lansdowne* said, that if the noble and learned lord (Eldon) chose not only to repeat all his former arguments, but even to argue prospectively, no doubt he was at perfect liberty to do so. But the noble and learned lord having done so, and the right rev. prelate having had an opportunity of stating on what ground the rev. bench had acted, nothing could be more convenient than the course recommended by the noble duke. Let him, therefore, now call the attention of their lordships to the motion before them. His noble friend (lord Holland) had stated, that he did not mean to divide the House upon his motion, but that he had made it;

—first, for the purpose of recording his opinion on the Journals of their lordships; and secondly, in order that he might have an opportunity of stating doubts respecting the manner in which those words would affect the Jews, and of suggesting to their lordships the consideration of what degree of claim the Jews might have upon the legislature. This, he thought, had been distinctly answered. There was no intention under this act of depriving the Jews of any of the advantages which they now possessed. Beyond this he believed his noble friend did not wish to proceed: at least he should not feel himself warranted in supporting his noble friend in any thing else; because, if the Jews were to be relieved, it must not be by a side wind, but by a direct proposition. All that he wished for the Jews then—respectable as he believed them to be, and well conducted as they for the most part were—was, that they should be saved harmless by this bill. As to what had been stated by the learned lord; first, if the act of George 1st was still in existence—he knew that there were some doubts upon the point, but it was generally believed that it had expired—all he wished was, that if, hereafter, it appeared that, contrary to the intention of parliament, any class of his majesty's subjects had lost any of the privileges which they formerly possessed, their lordships would interfere and set the matter right. Whatever views their lordships might entertain as to the Jews, or Catholics, or any other persons, he was quite sure that their lordships would legislate in detail; that they would look at the justice and expediency on which each question rested; and would not, by a side-wind, pronounce an opinion on any but the subject on which they were called upon to legislate. They had already heard that the Jews were now kept out of parliament, because they would not meet the legislature half way, and swear upon the faith of a Christian, as a noble earl, on the cross-bench, had said he would swear on the faith of a Jew. By the present measure they were merely excluded to the same extent. This bill, therefore, did no more than the present law: if it were found that it did, he was quite sure that the case of the Jews would be attended to.

The Earl of *Guilford* said, that, whatever might be said to the contrary, it must be admitted that this was a revolutionary measure. For what was a revolutionary measure? It was a measure that subverted the fundamental principles of the constitution. He would state what he felt those principles to be. They were, that there should be a king, lords, and commons; and these, together with the laws which ascribed to each part its several functions, formed the fundamental laws of the constitution. But these laws were changeable, and whenever they were changed that was a revolution. The act passed in the reign of Henry 8th giving the king's proclamations the force of law was a revolution; for it overthrew the balance of the state. The act for the divorce of the same monarch, by which his issue by his first queen was bastardized, was revolutionary, as it clearly affected the succession to one branch of the legislature. The act also by which that monarch was permitted to demise the Crown, possessed the same character, because it thereby altered the constitution. He maintained that the Corporation and Test acts were of the nature of fundamental laws. They immediately affected the safety of one branch of the constitution. The noble lord, who originally introduced the bill represented those acts as having been passed at different periods, and against different parties, and therefore he had argued they were not an essential part of the constitution. Now, he would maintain that they were founded on principles engendered by the Reformation. It was not necessary that they should have existed while the Crown exercised its high prerogative, nor during the persecutions that followed. But they saw the light in the dawn of religious liberty, and they had uniformly answered one purpose when they had been enacted or upheld; they had maintained the existing order of things, whatever it might be, against its enemies, whomsoever they might be. He wished to know to what length the noble lord would go, who had talked so much of restoring the lawful prerogative of the Crown. Would he re-establish the authority of the two first kings of the House of Stuart? Or would he go still further back to the arbitrary line of Tudor? These were not times, he thought, when the prerogative was to be wielded over the liberties of the people. The noble lord in his view of those times, had placed himself in opposition to all the commentators on the laws, and all the historians of these transactions. Notwithstanding what the noble lord had said, there was no period when better laws had been made; and for this reason, that there was just then a coincidence of the abuses of the prerogative, and of the excesses of the liberty of the people. The legislators of that day had acted with the wisdom of statesmen, who were enabled to foresee a remedy which would be applicable to the evils they had to encounter. He would quote, in support of his opinions, the historical work of Mr. Fox, in which it was stated, that "good laws were then brought to the greatest theoretical perfection." The noble lord had put this question on the ground of the Revolution, and how? He had brought king William the Third down to that House, to inform their lordships, what were the doctrines and principles of the Revolution? But he trusted their lordships would rather receive that information from the mouth of king William's opponents, who had not his prejudices. But what were the principles adopted at the Revolution? They were those of Toleration, and of Tests against the dangers that might arise from the excesses to which religious liberty might be carried. Toleration and Test acts were two things that must always go together. Either there must be a Test act or no toleration, or no Established Church. He maintained, that the possession of power and public confidence formed no part of the right of the subject. They depended wholly on his moral qualification, and they were bestowed on the individual, not for his own benefit, but for the public welfare. In support of this opinion, he would quote a passage from an eminent author, who had written lately on the constitution, and who certainly was no churchman in his principles. He did not profess to recite the very words; but the sentiment, in which he entirely agreed, was to this effect;—"If any man wanted to govern or hold any office of trust, it was right to inquire what were his qualifications; but if he only wanted to live in peace as a subject, the state had no right to scrutinize his religious opinions." The greater the toleration which was allowed, the more cautious the state should be to guard against the licentious excesses of fanaticism, and the evil designs that might be entertained under the cover of religious scruples. The Test act was as sure a sign of religious liberty in a country, as the growth of a certain plant was evidence to the traveller of the mildness of the climate through which he passed.

The amendment moved by lord Holland was negatived *pro forma*. After which the earl of Eldon moved, the insertion of the words "I am a Protestant" in the Declaration.

The Earl of *Harrowby* said, that as the noble and learned lord had not enforced his proposition by any new argument, he should not be justified in detaining their lordships at any great length. He was anxious for the success of the present measure, and he wished that the grounds on which he supported it should be fairly and properly stated. That support was founded on the same principle which he had advanced, this day, on presenting a petition to their lordships. He was anxious, above all things, on the one hand, in effecting the object of the present bill, which he had much at heart, that no advantage should be taken of it, with reference to the success of any other measure; while, on the other, he hoped that any amendment which seemed to cast the slightest suspicion on their lordships' motives, or which seemed, in any degree, to prejudge another great question, should be rejected. If the words "I am a Protestant" had been originally introduced into the Declaration in the other House of Parliament—if, without being the subject of discussion, it had formed part of the bill when it came up to their lordships' House—he, in that case, should have opposed any amendment moved for the purpose of altering it. But the circumstances were perfectly different, and he could see no use whatever in inserting in the bill the words now proposed. What was the state of the bill? It might be considered presumption for him to declare his opinion on its provisions, when the two greatest law authorities in the House had already given theirs. He would take either of their opinions, and still, whichever he adopted, he felt himself justified in supporting the bill in its present state. If his noble and learned friend on the woolsack were correct in his opinion, then it was impossible that any thing could be more decidedly unnecessary than the amendment; because, according to his statement, the Declaration against transubstantiation must be taken by those who had any connexion with the government of corporations. Here then was an efficient security.

According to both the noble and learned lords, the lower grades of corporations were open to the Roman Catholics—because, as he understood, neither the Oath of Supremacy, nor the Declaration against transubstantiation, was required with reference to them. With respect to the higher offices, it was doubtful whether it was necessary that an individual called upon to act as a mayor or an alderman, but who was not a justice of the peace, was bound to take the oaths in question. But, as to those persons who filled the important situation of justice of the peace, it was quite clear that they were obliged to take the Declaration against transubstantiation. Now, with respect to those who took high office in corporations, it was admitted that they must take both the Oath of Supremacy and the Declaration against transubstantiation; and if the noble and learned lord opposite were right in his interpretation, but a very small number of persons, and those filling minor offices in corporations, were exempted from subscribing that Declaration; but, *ex confesso*, it appeared, with reference to them, that the obstacle of the Oath of Supremacy stood ever in their way. Now as, according to one of those noble and learned lords, it was impossible to shew any necessity for this insertion, and as, according to the other, any expedient must be reduced to a point so extremely narrow, he could not help thinking that the introduction of those words was totally unnecessary—and being unnecessary, they ought, he conceived, to be received with great jealousy on the part of their lordships, lest they might be looked upon as prejudicing another great question, which sooner or later they would be called on to consider. He hoped, therefore, their lordships would not admit an amendment, which would not, he believed, exclude from corporations a single individual who might now obtain admission into them, and yet would have the effect of prejudicing a question on which the minds of their lordships ought to be completely open and uninfluenced. On these grounds, he hoped their lordships would not agree to this amendment. Indeed, he was sure that their lordships would not, on any particular occasion, sanction the insertion of words which appeared to have reference to another question that was to be settled hereafter. Actuated by these feelings, he could not consent to the amendment. With respect to the observations which had been made on the right rev. bench, for the course they had pursued with reference to the bill, he would perhaps be allowed to say, that the right rev. bench had done themselves, throughout the discussion of this question, the greatest credit. Without losing sight of the interests of the establishment, their conduct had been firm, temperate, and conciliatory. One part of the speech which the right rev. prelate (the bishop of Durham) had addressed to their lordships, with so much effect had attracted his attention in a peculiar degree. That right rev. prelate had observed, that he feared the unfounded calumnies which had been cast upon him and his rev. friends, with respect to their conduct on this question, had made some impression abroad. But, on other occasions, the same course of misrepresentation had been pursued, and with as little effect, he was sure, as would attend the groundless accusations brought forward in this instance. The right rev. bench must recollect, that in the course of the debates in their lordships' House on the bill against occasional conformity in queen Anne's reign, bishop Hough, and the other prelates who opposed that measure, were accused of having made a compromise of the rights and privileges of their order. But the mitre of that great man did not, in consequence of that attack, shine less unsullied—his name was no less dear to his country on account of the promulgation of that calumny. The right rev. prelate, to whose observation he had alluded, might, in like manner, smile at the calumnies which he had mentioned. The spirit out of which they arose was, he felt happy to say, sinking deeper and deeper into that oblivion from which he confidently hoped it would never again emerge.

The Bishop of *Chester* said:—I trust I may be allowed in a few words to explain why I oppose the amendment. I am not disposed to place the Roman Catholics nearer the attainment of the object they have for so many years sought, unless they offer a more substantial security than any they have at present proposed. When your lordships divided on the former occasion, I forbore from voting, because, I must confess, I was in a state of doubt as to the practical effect of the amendment on the political condition of the Roman Catholics. I must acknowledge that I, for one, was perfectly satisfied with the bill, as it came to your lordships' House from another place; and I have no hesitation in adding that I earnestly wish the opportunity had been allowed your lordships of passing it as it was presented to us. It would be disingenuous if I did not admit, that certain amendments which have been proposed, and almost unanimously adopted, are improvements, though not, in my opinion, absolutely necessary; but still I think, if the measure had gone through the House with the least possible discussion, it would have worn a greater appearance of unanimity, and would have been more indicative of a spirit of conciliation and kindness towards those whom it was intended to benefit. On this principle I do not feel myself at liberty to support any further amendment that is not absolutely necessary to secure the interests and privileges of the Church. Since I abstained from voting on this particular question, I have taken some pains to make myself master of it, and it is my conviction now that the amendment is wholly unnecessary; I mean, of course, for the protection of the Church, the object which we are bound to keep in view, while we consent to give relief to the Dissenters. I find that all persons who take offices of trust and government in corporations as low as common-councilmen, are obliged to take the Oath of Supremacy. It has been said, I know, that this is not sufficient to keep out the Roman Catholics; but I am of a contrary opinion. The most respectable members of that body have declared, in the most unqualified manner, that no sincere Catholic could take that oath without a legislative explanation declaratory of the *animus imponentis.* Attempts have been made at an earlier period, I am aware, to reconcile the conscience of Roman Catholics to this oath, and in some few instances it has been taken; but the most learned and eminent professors of that religion have declared that no conscientious Roman Catholic could take it, "unless explained by the legislature, without compromising his religion, and giving scandal to his church." I fully believe that no Roman Catholic of the present day would take the Oath of Supremacy, in order to qualify for office. Believing, therefore, that the Oath of Supremacy is sufficient, I am not willing to impose on the Roman Catholics any additional restriction, or any test that would seem to fasten further disabilities on them. The one simple object of the present bill is, to relieve both Dissenters and Churchmen from a test which is disagreeable to them; and I should be sorry to introduce a form of words which would have the appearance of an anti-Catholic declaration. When that great political question comes on, I shall do my duty without favour or fear, and view the subject calmly and fairly, in all its bearings, as I have done on former occasions, when I opposed the admission of Roman Catholics to office, because they offered no security to the Established Church. But in looking to the present proposition, I think your lordships have no right to make this an opportunity of introducing an anti-Catholic declaration. If you give, in place of the Test and Corporation acts, an equivalent security, it is all the Church has a right to expect, and all that your lordships are bound to grant. Perhaps your lordships will excuse me if I say one word, and but one word, on an accusation which has, again and again, been brought before your lordships in many forms. The accusation is, that the right reverend bench, or the majority of them, are compromising the interests of the Established Church, and relinquishing those securities on which they ought to insist. This is said with reference to the Test and Corporation acts, as perpetuated by the Act of Union.

When such a charge as this is made, I am happy to have it in my power to refer (and I wish I had done so formerly, when the subject was before the House) to the opinion expressed by an eminent, able, and most conscientious lawyer—one who had for many years discharged the duties of a high judicial function, with honour to himself, and great advantage to his country,—I allude to the late lord Kenyon, who used these remarkable expressions in his correspondence with an exalted personage, now no more: "So long as the king's supremacy, and the main fabric of the act of Uniformity, the doctrine, discipline, and government, of the Church of England are preserved, as of a National Church, and the provision for her ministers kept as an appropriated fund, it seems that any ease given to sectaries, would not militate against the Coronation Oath, or the Act of Union." With reference to a similar charge against this bench, the noble earl who has just sat down has referred to the transactions in Queen Anne's reign, when complaints more violent, not to say virulent, were made against those who filled the chief seats of the Church, when the unjustifiable bill against Occasional Conformity was introduced. The following are the words of the zealous and able prelate who was the historian of his own times: "Angry men took occasion from hence, to charge the bishops, as enemies of the Church, and betrayers of its interests; because we would not run blindfold into the passions and designs of ill-natured men: though we can appeal to all the world, and what is more, to God himself, that we did faithfully and zealously pursue the true interests of the church; the promoting religion and learning; the encouraging of all good men and good designs; and that we did apply ourselves to the duties of our functions, and to the work of the gospel."

Lord *Kenyon* said, that nothing could have been further from his intention than to offer himself to the House; but after the right rev. prelate had appealed to the authority of his revered parent, he felt it his duty, to the best of his ability, to rescue his character from the imputation which seemed to rest upon it, if the sentence quoted from his letter was considered alone. If the right rev. prelate had read the whole letter, their lordships would have seen, that his venerated ancestor having been consulted by his gracious sovereign—who reposed such confidence in him, that to him he referred the question, how far he was legally bound by his Coronation oath, not to consent to measures affecting the Established Church — his revered father had given an opinion, in which, while he had advised that every thing consistently with the safety of the Established Church should be granted, for the ease of the tender consciences of the Dissenters, no concession of political power should be made to them. This opinion was expressed as clearly as possible.—The question before the House was simply whether it was fit, in this bill for the relief of the Protestant Dissenters, to insert words to maintain the law as it existed with respect to the Roman Catholics? In point of principle, there could be no doubt they were not admissible into corporations, as their admission would be prejudicial to the interests of both Church and State. All he looked for was the security of the Established Church, which he venerated not only for its spiritual character, but for the political influence it exercised for the support of the constitution. The great majority of the bench of bishops, he observed, had shewn little or no concern for either The right rev. prelates, he was sorry to say, had shewn much more regard for the temporalities of the Church than for its spiritual welfare. Suppose a question of temporal interest, on which two lawyers of equal knowledge being consulted as to a particular course, gave different opinions—one saying it would be unsafe, the other saying the reverse—what would anybody do? He intreated the House, therefore, on a question where two such great lawyers as the late and present Chancellors differed, to take the safe course, and insert the words that would be sure to exclude the Roman Catholics.

The Bishop of *Chester* said, he had quoted the words of the illustrious lawyer to whom he had referred, for the purpose of showing that he considered the integrity of the Church of England to consist in the recognition of the doctrine and discipline, and the legalized support of her ministers.

The Bishop of *Llandaff* said, the question in this case was not one of law, but rather as to the theological interpretation of the Oath of Supremacy, which must be taken by all those entering corporations. Now, upon that point, he believed he was right in asserting, that it was the opinion of almost the whole of that bench, that the Oath of Supremacy formed a sufficient barrier against the introduction of Roman Catholics.

The Earl of *Eldon* said, that his opinion, that the Oath of Supremacy was not a sufficient security, was confirmed by the judgment of the House on more than one occasion. He also complained, that the recital of the bill upon the table was most insidious, and omitted the most important words of the two acts from which it professed to be copied: namely, those in which the inviolability of "the true Protestant Religion as established by law was affirmed." It was to secure that "true Protestant religion," in the bill under consideration, that he should divide the House upon his amendment.

The Duke of *Wellington* said, the learned lord had just told them, that parliament had frequently decided that the Oath of Supremacy was not a sufficient security against the Roman Catholics. But the learned lord had not stated, that the Oath of Supremacy was altered by the act of king William, and he knew of no declaration, since the statute of William, which did not go to prove that the act was fully sufficient for the object which its framers had in view. But it was not on this ground alone that the question stood. The learned lord on the woolsack had stated most clearly his opinion, that the declaration against transubstantiation must still be subscribed by persons taking offices in corporations: and the learned lord opposite had advanced no answer to that statement. But there was another part of this question to which he begged their lordships to attend. It was this—that the Oath of Supremacy did now prevent Roman Catholics from voting at elections. Now, if it was sufficient to prevent them from voting at elections, would it not be sufficient to prevent them from taking governing offices in corporations? It had been asked, if the existing oaths were by some not thought sufficient, why not adopt the words of the learned lord? If there was a shadow of a doubt on the subject, why not take the safest course? In the first place, he contended, that the existing laws were sufficient. And surely, they would not admit, in a law brought in for one specific purpose, a declaration intended for another object. The present bill was meant to enlarge, not to contract, the privileges of the Dissenters; and certainly it would not be fair to introduce into such a measure a clause that would militate against Roman Catholics. There was no person in that House, whose feelings and sentiments, after long consideration, were more decided than his were with respect to the Roman Catholic claims; and he must say, that, until he saw a great change in that question, he should oppose it; but no man, on the other hand, was more determined than he was, to give his vote against any proposition which, like the present, appeared to have for its object a fresh enactment against the Roman Catholics.

The House then divided, when there appeared—For the amendment, present, 42; Proxies 10—52: Against it, present, 100; Proxies 54—154: Majority against the Amendment 102. After some further amendments had been proposed and negatived,

The Bishop of *Llandaff* said: My lords, I rise for the purpose of proposing an amendment to the present bill, as far as regards those who are to be called upon to take the Declaration. This Declaration partakes largely of the solemnity of an oath, as it at present stands, and I know there exists an objection abroad, in which I confess I concur, against the unnecessary multiplication of oaths. I think that this objection might be remedied by introducing a pledge into the Declaration, which would be applicable to every person not being a Dissenter, who should be called upon to make it. The Declaration, as it now stands, is, in fact, inapplicable to nine tenths of the persons by whom it is to be taken. It commences in an awful form, which I would scruple unnecessarily to repeat, and that is followed up by such trifling words as these, "that he (the subscriber) would not exercise any power, authority, or influence, to injure or weaken the Protestant Church, as it is by law established," &c. Under the Corporation and Test acts, the taking of the Sacrament was a proof that the person admitted to office was a member of the Church of England, or that at least he was not hostile to it, or that he was in its communion, by his thus partaking of a rite which implied a general approbation of all its doctrines; and then no further Declaration was required. I fully agree with those who think it is perfectly right to put an end to the Sacramental Test. But why should a Church of England-man be called upon to make the present Declaration? In the case of a Dissenter, the Declaration is required on the presumption that he may entertain feelings hostile to the Established Church; but why impose it on those who must naturally be intent on preserving that Church, and against whom, therefore, no such presumption can be entertained? It surely cannot be supposed that a member of the Church of England will ever seek to "injure or weaken the Protestant Church." Now that we are going to admit persons who do not belong to the Church, to office—it is quite reasonable to require from them a Declaration that they will not, as far as concerns their office, seek to injure or weaken the Established Church, or to disturb it in the possession of its rights and privileges. But where is the reason for such a Declaration from persons who never can be supposed to entertain such an object? It is objected to the present proposition that it goes to make two classes of persons in society; and that invidious distinctions will be generated by compelling one class of persons to take this Declaration before admission to office, while another class shall be totally excepted from it. It is argued that the pride and feelings of the one party will be thus unnecessarily mortified, by the distinction conferred upon the other. I confess I see no reason in these objections, nor would they add much to my respect for the Dissenter who could use them. I cannot see why a Dissenter should consider it a hardship or a humiliation to be called upon to declare his dissent from the Established Church. If he wishes me to respect his opinions, he must show that he respects them himself. He must not be ashamed to avow them in the face of the whole world; and I do not hesitate to say, that the man who is unwilling to declare his religious opinions when called upon, cannot really possess any religion at all.

I am well aware that many persons are desirous to be regarded, in the opinion of the populace, as entertaining opinions which, in reality, they do not entertain. It has been related of the celebrated historian, Hume, that he was always annoyed in private society, when he was accosted as if he were a deist or infidel. Now I confess I am not much disposed to humour such duplicity; and I think it would be an ill compliment, indeed, to any man, to have it supposed that he entertained in private, religious opinions which he would be unwilling to profess in public. I admit that the present Declaration is a great and beneficial alteration in the character of the Test acts, because it substitutes a harmless test in lieu of one which was offensive and liable to profanation. But I cannot allow that this is the main feature or the principle of the present measure. Its principle is, to admit to civil offices, persons who, ever since the Corporation and Test acts have been passed, have been excluded from them by law, on account of their religious opinions. I cannot agree with the noble baron who introduced this measure, in considering these acts to have been the offspring of passion, prejudice, and violence. Neither do I consider them as being the result of a more than ordinary degree of wisdom; but I do believe that they were very useful in times of a peculiar character; and I also believe that they are no longer useful now that those times are changed. I do not believe that the Dissenters are still distinguished for the same virulent hostility to the Established Church, by which they were then animated. The noble and learned lord (Eldon)—with whom I regret that I cannot agree, though I hope that he will not think the worse of me upon that account—has said that myself and my reverend brethren have not read the petitions on your lordships' table in favour of this measure, or we should have been aware of the fact, that a spirit of virulence pervaded them all. I candidly confess, that I, for one, have not read them, for I have not had leisure to do so. I have no doubt there is much of asperity and virulence in their composition; much of what, in the time of our wise ancestors, was called malignancy; but, even admitting the fact—how, I ask, does that affect the question? For my own part, my conduct and opinions would be still the same. If the indulgence of this spirit, and the expression of it in language be, as it certainly is, far from characteristic of a "true Christian," let us show that we are truer Christians by forgiving it. It may do harm to their own cause, but it can never injure us. Neither do I think that it necessarily proves the body of Dissenters to cherish such sentiments. For it has been charged against these petitions (which, indeed, I believe to have been the fact), that most of them have been got up in London. They were prepared in such a way as was thought most likely to be acceptable to the different dissenting congregations, and people have been, no doubt, in many instances, called upon to sign them who were quite ignorant of their contents. The language, therefore, of these petitions should not be laid to the account of such persons, but to the account of those agitators in London, who made them their tools. But even if this were the case, is not the tone of those petitions to be attributed to the fact, that they who drew them up had fallen into the error of prejudging the degree of opposition the bill would meet with in this House?

I have no doubt that had they been aware of the mild and liberal disposition which prevailed towards them, especially among the members of my own order, had they an opportunity now of re-stating their case, that the tone and temper of the petitions would be widely different. With reference to the charge brought against us on a former night by a noble lord (Winchilsea)—whose zeal I beg to say I reverence, while I am opposed to his opinions, I must say that it contained towards myself and my reverend brethren, an uncharitable feeling. That noble lord imputed to us that we were negligent of the unity of the Church, and that we were sacrificing it to a false and spurious liberality. Now, if I understand rightly that much-abused term, liberality does not consist in being loose, or indifferent, or unsettled, in our opinions, but in being tolerant of those of others who differ from us; in not thinking the worse of them upon that account; in not seeking to mortify, or stigmatize, or degrade, them. But by giving them credit for the sincerity of their profession, by not supposing them unwilling openly to declare what they think, I really act with more respect towards the Dissenters, than those who wish to disguise the difference, and who pretend to fancy that they are of the same religious persuasion with ourselves. Knowing the contrary to be the fact, I call upon those persons who differ from me to say so; and then in admitting them to office, I call upon them for such reasonable security as may be necessary for the Church to which I belong. Neither do I think lightly of the duty of Church union, or of the sin of groundless separation. But I cannot concede the title of High-churchmen to those who seem to me almost exclusively to claim it; and who are distinguished by an excessive care for the temporal interests of the Church, more than by a devotion to its spiritual duties. When assumed on this account, I contend that the term is wholly misapplied, and even used in an inverted sense. For I maintain that its temporalities are valuable, only inasmuch as they tend to preserve and to perpetuate divine truth, and to increase its influence over the minds of men. The high-churchmen to whom I allude, resemble much the character drawn by our great poet, when he describes the spirit who still inhabited heaven, but whose

"———— looks and thoughts
Were always downward bent, admiring more
The riches of Heaven's pavement, trodden gold,
Than aught divine or holy else enjoyed
In vision beatific."

I will detain your lordships no longer, than to express a hope that the clause which I shall now move, for the exemption of members of the Church of England from making the proposed Declaration, may receive the support of your lordships. Of those, at least, I may expect the support, who condemn the needless multiplication of oaths, and the imposition of them upon trivial or improper occasions: for I think no candid person will deny, that with nine tenths of the persons who will be called upon to make it, this solemn protestation in the presence of God will have absolutely no meaning at all. Neither do I despair of the support of those who wish frankly to avow the true character of the measure; namely, that with our eyes open we propose to admit Dissenters, and thus to widen the door of admission to civil office. They must, I think, allow, that by doing it in this manner, we do them more honour than if we affected not to know of their differing from us, or to think that they would themselves be unwilling to acknowledge and profess that difference. The clause is as follows: "Be it therefore enacted, that nothing herein contained shall be deemed to require any person residing in England or Wales, or in the town of Berwick-upon-Tweed, being Members of the Established Church, to take the before-recited Declaration, but that the following Declaration shall be alone required, 'I, A. B., declare that I am a member of, and am in communion with the Church of England.'"

Lord *Holland* said, he should vote against the clause, as it was in direct contradiction to the whole character and principle of the measure. The principle of the bill was to unite those persons who had been divided, and this amendment went to keep up that division. He objected that, in the very marriage articles, there should be included an article for separate maintenance. This amendment would strip the measure of all its grace and all its advantages, and he therefore trusted it would be rejected.

The Earl of *Eldon* said, he had in a former stage of the bill proposed an amendment similar to this, and should therefore vote for the present clause.

The Bishop of *Bristol* said, he should support the clause, although it did not come up to his opinion as to what should have been the leading principle of the bill.

The Duke of *Wellington* disapproved of the clause. He did not see why a Roman Catholic might not obtain admission to a corporation, if so simple a declaration as that proposed by the right rev. prelate were only put to him.

The clause was negatived.

The Bishop of *Bath and Wells* said, he

was entirely actuated by a sense of duty in voting for the repeal of the Corporation and Test acts. It was abhorrent to the principles of genuine religion, that persons should be called upon to take the Sacramental Test for secular and interested motives. It was a profanation of the sacrament to employ it for such purposes. He had voted for the bill, because he conscientiously considered it necessary. He had to regret that upon this occasion he had the misfortune to differ from the learned lord (Eldon) who had so long adorned and benefitted his country, and he felt it quite impossible, by any eulogy or words of his, to do justice to the manliness, good sense, and good feeling, which had throughout characterized that noble lord.

The Duke of *Cumberland* said, he was desirous of expressing his sentiments on the bill then under consideration, and trusted that the House would allow him to place his opinion upon record; which he thought it the more incumbent upon him to do, after his long absence from the country. In carrying his intention into effect, he begged to say, that it was with unfeigned reluctance he found himself compelled to dissent from the noble duke, in the view which he took of the measure then before the House. He never felt more concerned at any circumstance than at that of being obliged to oppose a bill, which had the noble duke's support and approbation. Nothing but a conscientious feeling of the rectitude of the course he was then taking, could induce him to pursue it, opposed as it was to that adopted by the noble duke. But having now for one and thirty years followed one undeviating line of conduct, in relation to the established constitution and church of the country, he found it impossible to depart from it; and considering, as he did, the present measure favourable to neither, he must be permitted again to express his dissent from it.

The Earl of *Darnley* rose to say a word or two in consequence of what had fallen from a right rev. prelate. He merely wished to remark, that, early in the present session, he had presented a petition from the corporation of London, in which the Sacramental Test had been alluded to, as exposed to profanation when used as a religious rite to promote civil qualification. That sentiment, which was both true and just, had been since re-echoed from all sides of the House, but from no quarter so loudly as the right rev. bench. He should have been gratified had a plainer measure of relief—for instance, a simple repeal of all these disqualifications—been sent up from the Commons, it being his full conviction that such a mode of repealing these impolitic restrictions would have afforded the best guarantee the church of England could obtain for its permanent security. The country and parliament had done justice to the triumphs of the illustrious duke opposite, but sure he was, that, great as were his past deserts, the spirit of candour, moderation, and justice, which he had displayed during the discussions upon this bill, would do him as much credit, and eventually confer as great benefit upon his country, as the high military achievements upon which he had previously founded his fame. He could confidently assure the noble duke, that if he persevered in maintaining the same liberal and conciliatory policy, he would encounter no opposition from that side of the House, but on the contrary, receive that support for his government which they would feel it equally a matter of duty and satisfaction to afford.

Lord *Holland* said, that in performing the pleasing duty of moving "that this bill do pass," he could not refrain from expressing his feelings in language both of gratitude and congratulation—gratitude to that House, for the manner in which it had discharged its duty to the country, and congratulation to the country upon the achievement of so glorious a result.

Lord *Redesdale* took a review of the circumstances under which measures founded upon the same principle, and urged by the same reasons, had, in former times, received the concurrence of parliament, and eventually exposed both church and state to extreme jeopardy. When he looked at the safeguard which they were about to repeal, and the substitute they proposed in its place, he could not help being struck with its utter insufficiency, and protesting, in the strongest manner, against the enactment of such a measure.

The Earl of *Mountcashel* felt it his duty to oppose the present bill, which was calculated to endanger the Established Church, and to let loose upon the country, with power to do mischief to its institutions, large classes of Socinians, and others, who could not be denominated the supporters of true Christianity. The bill was then passed.

HOUSE OF COMMONS.

Monday, April 28.

Tax on Foreign Wool.] Mr. *Ward* presented a petition from the merchants of London, engaged in the Wool trade, against the imposition of a Tax on Foreign Wool. The petitioners submitted, that the imposition of such a tax would prove ruinous to the manufacturing and commercial interests of the country.

Mr. Alderman *Thompson* supported the prayer of the petition. At present we were, he said, enabled to carry on a competition, in the continental markets, with Silesia, and the Netherlands; but the effect of the proposed tax, would be, to destroy the competition which we had hitherto kept up and to transfer our foreign woollen trade into the hands of continental manufacturers.

Sir *T. Lethbridge* thought the proposed tax was a necessary protection due to the agricultural interest. At present, the price of British wool was ruinously low, and the only way to raise that price was by the imposition of a duty.

Lord *Milton* opposed the petition, and hoped that the conversation would not terminate without some expression by parliament of its feeling upon the subject. If we were to revert to the times of poverty and barbarism, then it might be well to impose a duty upon raw commodities; but if the advance of prosperity was our object, no course could be more destructive of it.

Sir *M. W. Ridley* thought, that whatever might be their object,—barbarity or prosperity,—the existing system could have only one end—the total ruin of the agriculturists. The importation of foreign wool into this country was daily increasing, while our export of manufactured goods was proceeding in the contrary direction. It ought to be recollected, too, how large a proportion of that imported wool was worked up into manufactures for home consumption.

Sir *G. Philips* said, that those gentlemen who considered themselves the protectors of the agricultural interest adopted very unfair and vulgar views, both as to their own interests, and those of the country. They first sought to obtain a high tax upon corn, and were anxious to follow that measure up by procuring a high tax upon wool. That was their plan. As to the said produce, most of it was used in manufactures which were consumed at home, so that the effect of an increased duty upon it must necessarily be to increase the expense of the manufactured article to the consumer at home; that was, to the people of the whole country. Thus the agricultural interest sought for protection for itself, regardless of the mischievous effect of the measure to the general interests of all other classes; and they even seemed insensible in this instance, that their own interest would be depressed by the very means by which they would fain uphold it.

Mr. *Heathcote* said, that gentlemen on the opposite side were continually asserting that those who espoused what was called the agricultural interests knew nothing about their own concerns, and they were always begging the agriculturists to let the other side manage their affairs for them. He had not been long in that House; but he had always heard this doctrine, not only upon the question of wool, but upon all similar occasions. For his part, all he deduced from such language was, that the landed interest ought to be on their guard when gentlemen on the other side told them that they intended any measure for their benefit. It would be found, that the price of inferior kinds of wool had fallen in greater proportion than cotton or any other article. He would not pledge himself to support either long wool or short wool; for he wished to do that which was substantially just to the whole country. The noble lord had said, that if the House reverted to the former law, it would be going back to a period of barbarism; but he begged to remind the House, that the change in the law respecting wool had taken place only two or three years ago. He would maintain, that the consumers would not be benefitted by taking off the tax. The House ought to strike a balance between the manufacturing and agricultural interests, and to go into the question at once; as the petitioners only asked for inquiry.

Mr. *P. Thompson* said, that if inquiry could be gone into for any good purpose, he, for one, would not urge its refusal; but when it was known that the bare mention of inquiry had caused a considerable alarm in the country, and as he was satisfied that no case could be made out in the committee, he thought it would be uselessly adding to the alarm that existed, to go into the committee. His hon. friend had said, that the agriculturists knew their own interests, and therefore ought to be allowed to take the case into their own hands. The hon. member might be right, as far as the interests of the class to which he belonged were concerned; but there were other interests to be considered, and for the sake of those interests he trusted the Committee of Inquiry would not be granted. It could not be denied that great benefit had been derived to the country from the introduction of foreign wool. The manufacturers admitted that a great quantity of British wool was exported by mixture with the foreign wool. Now, if it could be proved that the quantity of British wool thus exported was greater than the importation of foreign wool, no case could be made out to justify the claim for a Committee of Inquiry, on the ground that injury was sustained by the home-grower. What was the case since 1824? It could be proved, that we had double the quantity of wool exported, compared with former years, when the duty did exist; and looking at the returns for 1827, it appeared that the value of woollens exported to Germany, from which we got so much wool, was not less than one million sterling.

Sir *C. Burrell* said, he hoped that government would concede the committee, for the purpose of doing justice to all parties. The agriculturists had not been fairly dealt with on this occasion. They had been represented as hostile to the manufacturers. The fact was not so: they sought only for that fair protection to which they were entitled. He would beg the attention of the House to the present condition of the growers of long wool to what it was before the tax on foreign wool was removed. At that time it was urged, that as there was not such wool in the world, the growers of long wool in Yorkshire and the middle counties would obtain a ready market for their commodity by exportation: but what was the fact? The French government had laid on a tax of 30 per cent on all wool of that kind sent to that country. So that the purses of the landed interest here were not only drawn for the benefit of the foreign agriculturist, but also for the benefit of the French revenue. He hoped the right hon. gentleman opposite would pause before he pushed too far his principles of free trade; which he could not but think were, in some respects, a curse to the country.

Mr. *C. Grant* begged the House to recollect, that there stood on their paper a notice of a motion for Monday, on the general question of the Wool trade. This being the case, he should abstain from entering into the subject, or from giving any opinion of the course which ministers intended to pursue, until the whole question was fairly before the House.

Ordered to lie on the table.

Currency—Circulation of Small Notes.] Sir *James Graham* said:—I hope I may be allowed to ask certain questions of ministers relative to the Currency of the country. Considering the advanced state of the session, and that early next year an important alteration is to take place in that currency, I hope the chancellor of the Exchequer will allow me to ask whether it is the intention of government to adhere to the plan already laid down of preventing, after the 5th of April next, the issuing, re-issuing, and negotiating of notes in England for less sums than 5*l.*? My next question is, whether it is their intention to allow the circulation of notes for less sums than 5*l.* in Scotland and Ireland? and, if that question should be answered in the affirmative, whether it is their intention to take any, and if any, what step, to prevent the circulation of the small notes on this side of the Scottish border? My last question is, whether it is their intention to propose any alteration in that part of the act which prevents banking companies from consisting of more than six partners, at any distance less than sixty-five miles from London, from issuing notes or bills of exchange for less than 50*l.* payable in London?

The *Chancellor of the Exchequer*:—I admit the great importance of the subjects to which the hon. baronet's questions refer, and have no objection to answer them. To the first I say, that government see no reason to depart from the policy laid down in 1826, with respect to the currency, or to that part of it which consists in the circulation of small notes; and it is their fixed determination to adhere to the law as it was then enacted. As to the small circulation of Scotland and Ireland, government are not prepared to take the same course; but to prevent any advantage being taken of the circulation of small notes in Scotland, it is my intention, at an early period, to introduce a measure, for the purpose of hindering the circulation of those small notes within the limits of the other parts of the united kingdom. As to the third question, whether it is the intention of government to alter the law affecting banking, so as to allow Joint Stock companies of more than six partners, within sixty-five miles of London, to issue bills of exchange for less than 50*l.*, payable in London, that is a matter which does not rest with the government alone, but must be the subject of negotiation with the Bank of England.

Mr. *Curteis* wished to call to the recollection of a right hon. gentleman opposite, what he had said some time ago; namely, that it was intended to allow a silver circulation concurrently with the gold one. That would no doubt go a great way to cure the evil of a diminished circulation of small notes. As to the Scotch notes, though there were only forty-five members from that country in that House, and sixteen in the other, they acted in concert, and on all occasions carried their point when any measure was introduced affecting their country. The moment any measure which was considered in any way opposed to the interests of Scotland was brought forward, every man, woman, and child, in that country raised their voices against it, and they were almost always successful. However, as far as the Scotch notes went, he thought they were safe.

The petition was then read, and ordered to be printed.

Corn Laws.] The House having resolved itself into a committee on the Corn-laws, the Chairman read the first resolution, "That when Barley should arrive at 33*s.* and be under 34*s.* the protecting duty should be 12*s.*"

Colonel *Sibthorpe* said, he was ready to bow to the superior knowledge of the right hon. gentleman below him upon this subject; but he would yield to no one in an anxious desire to advance the agricultural interests of the country. The hon. member went on to observe, that light, or, as they were called in Lincolnshire, "heath lands," were well suited to the cultivation of barley and oats, but were unfit for wheat. These lands ought to be protected, or else they must go out of cultivation. He found that, during the last eight years, there had been imported into this country, one million and eighty three thousand seven hundred and thirty nine quarters of barley, of which fifty seven thousand three hundred quarters still remained in bond. The hon. member, after some further calculations, concluded by moving, as an amendment, "that when barley should reach 33*s.*, and be under 34*s.*, the protecting duty should be 15*s.*"

Mr. *F. Lewis* maintained that the proposed average protection was the natural one, and was founded upon the proportions which had been maintained for years. If they were to give barley an undue protection, they would, *pro tanto*, discourage the growth of wheat, which was the natural food of man. Besides, they could not give an undue protection to barley, without lessening its quantity; and the experience of 1826, when barley was scarce, was sufficient to show them what a fearful decrease such a circumstance was likely again to produce on our excise revenue.

Mr. *Fergusson* asked, why they should raise the protecting price of wheat, and not that of barley? The lands capable of growing wheat were favoured, while the lighter lands, fit only for growing barley and oats, were neglected, and likely to be thrown out of cultivation. It was last year admitted by the right hon. gentleman opposite, that the protection extended to barley and oats was not sufficient.

Mr. *Robinson* was of opinion that the resolutions already afforded too much protection to the agriculturists. He would, therefore, oppose all amendments which went to augment that protection.

Mr. *Cripps* wished that no alteration should be made in the proposed scale of duties; but if any were to be made, he thought it should be in favour of oats rather than barley. He thought the agricultural interest was sufficiently protected by the duty at 58*s.* and 59*s.*, as about that point was the pinching place.

Mr. *C. Grant* did not think that the mere circumstance of an alteration having been made in the scale of wheat afforded a reason for a similar alteration in the price of barley. Each case ought to rest on its own merits. The scale of wheat had been altered, because the duty imposed by the last warehousing act had failed to exclude wheat, when its admission was injurious to the agricultural interest. When that act was passed, barley was so much in request in this country, that there was not enough for the distilleries, and the average price for some time had been 40*s.* Under these circumstances, two hundred thousand quarters of barley had been taken out under the act, and the wants of the country had been relieved; but that introduction of barley did not put it in a situation corresponding to that of wheat. The committee on whose report the House had acted had stated, that the supply of barley was inadequate; and in consequence of that, the scale of barley had been raised last year. When the resolutions were first brought in, wheat was at 60*s*., with a duty of 20*s*. At that time the price of barley was 30*s*., with a duty of 10*s*.; but subsequently it was 32*s*. with a duty of 12*s*. Applying the same rule of proportion now, would give a duty of 12*s*. on 30*s*.; while, in fact, the duty on 30*s*. was 15*s*. It was therefore impossible to say, that the protection of barley was not now sufficient, since it actually exceeded the amount of the duty imposed at the time when the hon. member supposed the proportion between wheat and barley was truly preserved. With a duty of 12*s*. when the price was 33*s*., he assured the barley-growers they were safe.

Mr. *Graham Pigott* was of opinion, that unless some restrictions were put on the bonding system, the agriculturists must suffer. He thought a ship bringing foreign wheat into this country ought to be made to pay the duty of 20*s*. on her entering port, or that at least she should register at that duty; for, unless she did so, they would do no good for the agriculturists.

Mr. *Leycester* wished the House to guide themselves by the ratio of last year. That ratio was adopted after mature deliberation and full discussion. It was said, that in Mr. Canning's bill the scale of oats had been raised, while that of wheat had remained the same. That was no objection. The ratio there was taken between wheat and barley on one side, and oats on the other, and great mischief would result to the agriculturists if it was departed from. Farmers had always a hankering after wheat crops; and if they were encouraged in that prejudice, they would not employ that succession of crops which was greatly for the benefit of the country. He should object to any thing that had a tendency to make our population change their wheat food for oats, or any other substitute.

Mr. *Bankes* said, the scale of last year had been raised with regard to barley and wheat, not to favour the growth of those grains more than the rest, but because the old scale was essentially erroneous.

Mr. Secretary *Peel* said, that as the resolution now before the committee had been adopted after mature deliberation, he could not consent to change it. His reasons for resisting the amendment were these: In the case of wheat, the price of last year had been found insufficient; for, under the then scale, the importation had been such, that it had been found necessary to alter the price and rate of duty. They had not had the same experience with respect to barley; as the importation of barley had only just exceeded two hundred thousand quarters—a very small quantity, when there had been such a peculiar demand for it. But, even as the scale now stood, it was higher for barley, considered with regard to wheat, than had ever been before known, with the exception of last year. But they had better not bind themselves merely by what was done last year, but take a calculation for fifty years past, and find the relation which barley bore to wheat and oats. Taking the calculation of the last fifty years, and assuming as the ground of that calculation, that wheat was at 100*s*. the relative proportion which barley bore to that sum was 53*s*. and that of oats 35*s*. Assuming that to be the true scale, and that the duty was 24*s*. 8*d*. on wheat at 62*s*., in order to maintain these relative proportions, when barley was at 32*s*., the duty ought to be 13*s*. 7*d*.; but the duty really proposed was rather above that amount, being, in fact, 13*s*. 10*d*. on a price of 32*s*. Oats and barley certainly ought to have encouragement from the legislature; though it ought not to protect the growth of either with the same jealousy as wheat, because the latter might be said to be a staple of life.

Mr. *Wodehouse* contended, that the averages of the last fifty years could not be considered a fair average of price, because it embraced a period of twenty years of war, during which the ports of the continent were closed.

The committee divided: For the Amendment 47. Against it 104. Majority for the original Resolution 57. On the Resolution, "That when oats were at the price of 25*s*., and under 26*s*., the duty should be 9*s*. 3*d*,"

Mr. *Fergusson* said, he had an amendment to propose. If wheat and barley were the same as in the scale of last year, oats ought to be higher. The protection given to oats was not sufficient for Scotland. The land of that country could not grow wheat; and if sufficient protection was not afforded to the growth of oats, that land must cease to be cultivated. In pursuance, therefore, of the feeling expressed all over Scotland, he should move, as an amendment, "that instead of a duty of 9*s.* 3*d.* at a price of 25*s.*, the duty should be increased to 10*s.* 9*d.* at a price of 26*s.*"

Mr. *C. Grant* thought it would be in vain to attempt to persuade the House, that the price of oats was not sufficiently protected, and referred to a passage in Mr. Jacob's report, which stated, that a cargo imported into this country from Amsterdam, and sold at 19*s.*, was so reduced, after all the different charges, as to leave only 6*s.* a quarter for the person who speculated in the venture.

Mr. *Fergusson* contended, that the average price of oats in seven different foreign ports, was, for a series of years, not more than 7*s.* a quarter, while the price in this country was 30*s.*

Mr. *Wodehouse* observed, that there was a greater fluctuation in oats than in any other description of grain. He referred to the Report of Mr. H. Canning, by which it appeared, that oats could be shipped from Hamburgh to England at from 6*s.* to 9*s.* a quarter.

Colonel *Sibthorpe* supported the amendment, and observed that Mr. Jacob's Report was very amusing to read; but if the writer had been so unfortunate as to farm some of the poor lands in Lincolnshire during the last few years, he was satisfied he would have thrown his own book into the fire.

The House divided. For the Amendment 59; against it 101. Majority for the original Resolution 42. On the Resolution, "That whenever the average price of rye, pease, or beans, shall be 36*s.* and under 37*s.* the quarter, the duty shall be 15*s.* 6*d.*"

Mr. *Western* expressed his surprise that the proportion observed in all former acts should have been abandoned in the case of this most beautiful of all culture, the row culture of pease and beans. The importance of it, in benefitting the cultivation of wheat land was well known, and its utility in giving employment to whole villages ought not to be forgotten. In the process of planting, in the three hoeings which took place in this species of agriculture, the labourer earned from 23*s.* to 25*s.* an acre, and it was to be remembered that this was labour done by hand, and not by the plough, as in other cases. He did not mean to ask for any additional protection, but merely for the adoption of the same ratio of protection which had been always afforded. We never had received any great supply from foreign countries of these articles, and why should we now invite it by the adoption of a lower scale? He would therefore move, "that the ratio should be taken at 41*s.* instead of at 37*s.*"

Mr. *C. Grant* thought that unless a special case was made out, it would be better to adhere to the scale of last year.

Sir *E. Knatchbull* supported the amendment, and observed, that the culture of this grain was by hand, and gave considerable employment to the agricultural population.

Mr. *Ward* maintained, that there was no way of coming at what the standard price of grain would be, but he thought it probable that the price of all grain abroad would depend much on what was passing here. It was not a fair way of proceeding to take, as the agriculturists now did, the most favourable harvests into account, when they were forming their averages. The harvest of 1818 was an unfavourable one, yet they never heard anything of that during their debates. The fair way of looking at the question would be, to take the good and bad harvests together, and to form their averages on that basis. As to the low prices at which it was said that grain could be imported from abroad, he defied any one to prove that it could be introduced at such prices with any benefit to the importer. The plan of government was calculated to mitigate the extremes of fluctuation, and for that reason was entitled to support.

The Committee divided: For the Amendment 43. For the original Resolution 99. Majority 56. After a short conversation, the other resolutions were agreed to.

HOUSE OF LORDS.

Tuesday, April 29.

LUNATIC ASYLUMS REGULATION BILL.] The Earl of *Malmesbury* rose to move the second reading of the bill for the Regulation of County Lunatic Asylums. He said, that the bill was a consolidation of seven different acts of parliament, and contained very few additional enactments. The object of it was to give to counties the power of establishing asylums, for a purpose which every man must have at heart; namely, that of placing in them such unhappy persons of the lower classes as, being deprived of reason, were reduced to the lowest extreme of poverty and distress. When their lordships reflected on the subject, they would be convinced that a greater evil could not befall an artisan, employed in endeavours to support his family, than the calamity of being deprived of reason, by which all his exertions would be paralyzed, and his wife and children forced to become inmates of that very house, in one corner of which the object of their affections was incarcerated. It was probable that many of their lordships, in their capacities as magistrates, had witnessed such a scene. The object of the bill was to give the means not only of maintaining comfortably and decently such unhappy individuals, but also of adopting a curatory process to restore them to reason, and thereby to enable them again to support their families, who had been driven to indigence. The bill enabled magistrates to increase the allowances given by parishes to private houses, to almost an unlimited extent. One of the greatest evils of the system which had hitherto prevailed was, that a parish, when it found itself burthened with a pauper lunatic, always sought for an asylum where the lunatic could be kept the cheapest. Of course, there was competition among lunatic asylum-keepers, as there was in every thing; and the owners of those asylums found themselves compelled to receive pauper lunatics at an allowance not exceeding 9*s*. per week. It was therefore obvious, that with such an allowance, nothing more than lodging and food could be given to a man; and as to establishing any curatory process, it was entirely out of the question. It consequently happened, that individuals sent to those asylums, who might have recovered had medical treatment been given to them, remained in them beyond the time when recovery might be hoped for, and became incurable lunatics. That evil would be got rid of by the present bill; for its object was to provide asylums, not only for the reception, but for the cure of insane persons. By this bill overseers of the poor were bound to give returns of all lunatics found within their respective parishes, immediately on their discovery, and the magistrates had the power of sending them instantly to an asylum. It was his intention to move, that this bill, and another of a more general nature, be referred to a committee up stairs; as he thought that that was the only way that so complicated a subject could be determined.

The bill was read a second time, and ordered to be referred to a committee. After which,

The Earl of *Malmesbury* moved the second reading of another bill, of a more general principle than that which had just been read, entitled "An act to regulate the Care and Treatment of Insane Persons." This bill repealed, apparently, three acts of parliament, but, in fact, only one; namely, the 14th Geo. 3rd. It was his firm conviction that the evidence adduced before the committee of the other House, fully justified the enactments of the present bill. By that evidence, their lordships would find that transactions, which fully justified them in making new enactments, had taken place in one of the lunatic asylums under the care of Mr. Warburton, which contained five hundred persons, forming from a fourth to a fifth of the lunatic paupers in Middlesex and certain districts. The transactions to which he alluded were made known by the confession of the owner of the asylum, whose statements were corroborated by other evidence, and they proved, that those asylums were too much crowded; that the medical assistance was wholly inadequate; and, that practices the most cruel and unjustifiable had taken place therein. By the assent of all persons interested in the subject, additional powers ought to be given to those who licensed lunatic asylums. At present the power of licensing was vested in the Royal College of Physicians. He had no desire to speak of that body in any other terms but those of respect; but if their lordships looked to the law as it stood, they would find that the college had responsibility without power. As the law now stood any individual who went to the Royal College and asked for a licence, could not well be refused; but a more extraordinary circumstance was, that if, in the course of their visits, the commissioners found much that was reprehensible in the establishment of any individual, they could not revoke his licence. That was a perfect anomaly. The law enacted that the visitor, after taking notes, should inscribe them on a tablet, and hang them up in the chamber in which the College of Physicians met, in order to give publicity to their remarks. But not many persons had access to that chamber, and therefore publicity, for any useful effect, was not given. The law, in fact, was found to be so ineffectual, that the College of Physicians had neglected to comply with the enactment, and had not, for many years, placed any tablet in their chamber. It was proposed, by the bill, to take all the power of licensing and visiting lunatic asylums from the College of Physicians, and to invest it in fifteen commissioners, to be appointed by the Secretary of State for the Home Department, five of whom must be medical men. The commissioners would have the power not only of refusing, but also of revoking a licence. By the present law, any person—a druggist or druggist's apprentice—could sign a certificate consigning an individual to one of those asylums. The present bill confined the power of signing certificates to physicians, surgeons, and apothecaries.

Lord *Calthorpe* said, he felt great satisfaction at the measure proposed by the noble earl, as he had been an eye-witness of the shocking and revolting abuses alluded to by that noble lord, and against the future commission of which he hoped the present bill would afford a full security.

The Marquis of *Salisbury* said, he hoped the House would limit the power of magistrates as to confining lunatics. The effects of confinement in some cases were most injurious; and the suffering which unhappy beings underwent, in their lucid intervals, in consequence of such confinement, were calculated to destroy all chance of recovery.

The bill was read a second time.

HOUSE OF COMMONS.

Tuesday, April 29.

SETTLEMENT BY HIRING BILL.] Mr. *P. Macqueen*, in rising to move the second reading of the bill to abolish Settlements by Hiring and Service, said, he was well aware he should be expected to state, to the satisfaction of the House, the motives which had induced him to ask the repeal of acts which had so long formed a part of the legislature of the country; and also to point out the advantages he proposed to derive from a new and opposite system. Before he went into the general subject, he was anxious to remove any misapprehension which appeared to exist. It was said that, previous to a measure of this importance, a report ought to have come down from the committee in which it originated. Now, he was free to declare, that the committee, on entering upon the performance of their duties, considering that this measure was the first and necessary step to a general amelioration of the other parts of settlements, were most anxious that this measure should be urged without loss of time; and with the reports of 1817 and 1819 before them, they did not think it necessary to put the country to the expense of bringing evidence from all parts of England to substantiate facts which were fully established in the individual knowledge and experience of every member. In legislating for that numerous portion of the community who ought to depend entirely on their own labour for support, there was one axiom he could wish ever to keep in view; namely, that no obligation be imposed on them, except what might tend to their own benefit. The truth of the well-known sentence, that "man must earn his bread by the sweat of his brow," was universally admitted as generally applicable to the condition of the species, since, except the air we breathe, there was not another article essential to existence that could be obtained unless by bodily labour. Under these considerations, it became a paramount duty of every government to encourage the providing of employment for its population as the means of their subsistence; and this employment ought to comprehend a sufficiency of the necessaries, and a fair portion of the enjoyments, of life. Where this was not the case, something wrong must exist, which calls, at all events, for investigation, and, if possible, improvement. In the county of Bedford, there were at this moment many hundreds of able-bodied young men, from fifteen to twenty-five, who were actually existing on a parish pittance of from 3*s*. to 3*s*. 6*d*. a week; and yet, if any of these lads were to snare a pheasant, or commit a trifling robbery, he would be committed to gaol, where he would cost the county 4*s*. 6*d*. or 5*s*. a week, and be put into the possession of a greater share of the necessaries of life than he could obtain by his honest labour; and in the event of that sickness which was the constant companion of the squalid wretchedness now described, the situation of the criminal invalid was tenfold superior. He did not say this for the purpose of restoring the former severities of prison discipline, but for the purpose of urging, that no comparison ought ever to exist between the culprit who was in a state of punishment and degradation, and the honest labourer who only asked permission to exchange the sweat of his brow for a fair and decent competency.—Out of the various parishes of the county of Bedford, the hon. member quoted two as average samples of the effect of the present Law of Settlement in confining masses of inhabitants within certain districts where they could not obtain employment. If these, observed the hon. member, were fair average calculations of the state of one county, and that county an average of the agricultural counties of this kingdom, it was not too much to assert that this state of things could not last long. The hon. member then read extracts from the reports of previous committees, which went to admit the necessity of some measure strong in itself, but short of a total repeal of the Law of Settlement. On the subject of litigation he could state, on the authority of the tables lately published by Mr. Sayter Cooke, that, in 1814, the expense of removals and law charges, on this part of the subject alone, was 332,690*l.*; and, as it was computed that these expenses doubled themselves every twelve years, it might be computed that the present expense was above 600,000*l.* As to hiring and service, it was made a farce of. In Bucks the farmers of many parishes were mutually bound, under a penalty of from 10*l.* to 30*l.*, not to give settlement. One noble lord in that county prohibited settlement under a heavy penalty as a clause in his leases; and one gentleman of large fortune in Norfolk actually inserted a penalty of 500*l.* in his leases, in the event of a fresh settlement being acquired. Under these circumstances, hiring was always evaded, and in fact proscribed.

Mr. *Curteis* seconded the motion. He approved of the bill as the first step towards cleansing the Augean Stable of the Poor-laws, the worst part of which was the law relating to hire and service.

Mr. *Benett* said, he would oppose the measure on the very ground which obtained for it the support of the hon. member for Sussex; namely, that it was the first step to the destruction of the Poor-laws, which he conceived to be a most wise and humane system.

Mr. *S. Bourne* was of opinion, that the best title to settlement was three years' service, as in Scotland. He did not approve of the measure before the House, though he was far from viewing it in the light of an attack upon the Poor-laws. It was his opinion, that if the proposed alteration were carried into effect, personal property would contribute less to the support of the poor than it did at present, and that a greater burthen would be thrown upon the landed interest. He exceedingly doubted the policy of the measure; and did not think it likely to be attended by any advantage.

Mr. *Sykes* said, he felt disinclined to support this measure, as he considered it too extensive an alteration of the Poor-laws. The place of a settlement acquired by service was always a matter of great discussion, and it was universally a question whether emancipation was lost on the day of the apprenticeship. These doubts peculiarly attached to apprentices in ships, who, generally, at the end of their service, if the ship happened to be lying in the Thames, spent the last day, or rather night, at some place on shore, and it was afterwards matter of the greatest difficulty to trace them. He had often seen cases, where, from difficulties of this kind, men had been passed and repassed to and from Hull to London, and back. He trusted that the House would apply their attention to this subject, and relieve the country from the burthen.

Colonel *Wood* thought there was one advantage in this bill, which was, that it went to get rid of the law of hiring—a law to which the hon. member for Wiltshire was opposed. The hon. member wished to substitute a settlement gained by residence, which this bill did not propose; but he trusted that the omission of that provision would not induce the hon. member to reject the bill. With regard to a settlement by residence, he feared there was not much chance of carrying a bill to that effect; for he himself had once proposed that fifteen years' residence might be pleaded in bar of removal, but his proposition had been thrown out. He thought the present system, which encouraged the practice of hiring for fifty-one weeks, highly objectionable, as it tended to create a bad feeling between the master and his servant, who saw that his hiring was shortened merely that he might be cheated out of his settlement. If the present bill was rejected, he thought the attempt to deal with the evils of the poor system would be utterly hopeless, and that they would go on multiplying, until the whole population was pauperised. He agreed that the 43rd Elizabeth was a charitable and humane law; and as that was not the law which had introduced hiring and service as the means of gaining a settlement, this bill would not affect it. But the mode of settlement fixed by the statute of William and Mary ought to be altered. The provisions of that act were evaded by nine out of ten parishes in the kingdom; and if they were taken away, we should return to settlement by parentage, which, after a long lapse of years, was the best mode of settlement a poor man could have recourse to. By the present law and the practice to which he had alluded, the rich were set against the poor; and the latter, when offered a hiring for fifty-one weeks, must accept it, with all its disadvantages, or be a pauper in his younger years. He was in favour of the present change, as he thought it must be a change for the better.

Mr. *Ridley Colburne* said, he had some doubts which the right hon. gentleman below him had not succeeded in getting rid of. In one point the bill was good, as it would tend to diminish litigation. By the abolition, too, of the present Law of Settlement, we should gain the advantage of making the farmers return to the old system of domiciling their servants; which would tend materially to decrease the temptations and opportunities for crimes. Under the present system, the attachment of the servants to the master was much diminished, while it must be the wish of every man to see it increase. If a servant at the end of the year knew he might be dismissed; although the connexion might be continued at the end of the time, the chain might be renewed, but the link would be broken. But if it was not continued, the remaining number of days would be spent in debauchery. For these reasons, he should vote for the second reading of the bill, at the same time, he was not satisfied with all its provisions.

Mr. *Leycester* said, that the quibbles arising out of the Poor-laws furnished half the business of the quarter sessions. He agreed as to the evils of the system of settlement by hiring and service. A change of it would improve the character of the labourer; and if he should ultimately be obliged to go to the parish for relief, he had better ask it from those who had known him from his birth, than receive it from the reluctant hospitality of strangers. He was glad that the proposer of this measure had not indiscreetly attacked the whole system, as the only way of improvement was, gradually to put an end to one evil after another.

Mr. *N. Calvert* thought it would be impossible to change the present system without doing so for the better. He should support the motion, in the hope that it would do some good; if it succeeded, some hon. gentleman could carry it further.

Mr. *Monck* thought the bill ought to be entertained so far as the second reading. He went into a statement of the provisions of the statutes now in existence, and of the evils arising from the multiplicity of litigation they produced. It was said, that it was a hardship to send men away from London, where they might have resided for years, to the place of their birth, where they might be hardly known; but that evil would not be so great, as the one which now existed in another shape; for if persons were confined to the places of their birth for settlement, they would not be so apt to enter into imprudent marriages, but would lay by money to support themselves in their latter days. On the other hand, while the gaining a settlement, by residence was so easy, they would go into rich parishes, such as Mary-le-bone, and look to the parish for ultimate support. The practice of conferring a settlement by hiring was now almost abrogated by common consent. The bill, therefore, was but a return to the old system: for these reasons he should support it.

Mr. *Cripps* thought there were many objections to the present measure, and was not sanguine in his hopes of its putting an end to litigation. He should, however, vote for its second reading, reserving his doubts for another occasion.

Lord *Althorpe* said, that no proposition upon this subject could be made which was not liable to objection. Certain it was, that settlements by hiring and service occasioned a vast deal of litigation, and that litigation led to perjury; the labourer swearing one way, and the farmer the other. He supported the bill principally because he thought it would lessen both, and give the servant an additional motive to good conduct. The strongest objection to the bill was that which arose out of the situation of menial servants; but it did not counterbalance the advantages of the proposed change.

Mr. *Slaney* complimented the hon. member for Bedfordshire, on the industry, research, and ability, he had shewn in treating this question. He, therefore, differed from him with great reluctance, although, on the balance, he thought he should be warranted in supporting the bill. The increased expenses to which parishes were put arose out of the increased pauperism and misery among the agricultural labourers. He did not attribute this state of things as matter of blame to any one, but the fact was, that between four and five millions of the most industrious of the community, while all other classes were improving, were suffering the greatest deprivations. A long war, and other circumstances connected with it, over which the government had no control, had produced this calamity; but now that peace had returned, and men were turning their minds to schemes of improvement, he trusted an effort would be made by the House on behalf of servants employed in agriculture. He was convinced that many of the existing causes of distress might be removed.

Sir *E. H. East* contended, that nine tenths of the litigation at quarter-sessions arose out of questions of hiring and service, and of the perjury, out of the parole evidence given to support claims to settlement.

Mr. *Portman* admitted the force of the objection urged by the right hon. member (Mr. S. Bourne), relative to domestic servants, but he thought it applied less than was generally imagined, inasmuch as the object of all domestic servants was to acquire property in their journey through the world, and to return to the parish in which by birth they had gained a settlement. The question for the House to consider was, whether by the bill it would be rendered more or less difficult to lose a settlement. If it increased the difficulty of losing a settlement, a new and beneficial era of legislation on this subject would be established. In the committee, consisting of twenty members, no less than eighteen had divided in favour of the present measure, and only two against him.

Mr. Secretary *Peel* said, he approached this subject with the greatest hesitation, as he had had no practical experience of the effect of the Poor-laws. He had listened with the greatest attention to the arguments for and against the measure, and he never recollected an instance where it was so difficult to say which side preponderated. What had been stated by the hon. member who spoke last, regarding the division in the committee, was deserving of consideration. All the members of the Select body were, no doubt, actuated by the same desire to arrive at a just conclusion, yet eighteen had divided one way and only two the other. So far as the authority of numbers went, this decision was entitled to great weight; but he could not help wishing that the eighteen had favoured the House with their reasons for being precisely of the same opinion. A report on a subject involving so many complicated considerations, and requiring so much reference, not merely to the Law of Settlement, but to the Poor-laws in general, would certainly have been of great value. To decide only, "That the Chairman be instructed to move the House for leave to bring in a bill to repeal the Acts relating to Hiring and Service," had certainly the advantage of being brief; but he could not say that it was equally satisfactory. The question now was, whether the measure so recommended should be read a second time; and after listening with great pleasure to his right hon. friend (Mr. S. Bourne), he was bound to admit, that some of his arguments deserved the greatest consideration. One of the most important was that which applied to domestic servants; and to that no satisfactory answer had been given. At the same time, he did not despair that some provision might be discovered with reference to their case. If the second reading of the bill were now negatived, of course all possibility of this kind must be at an end. It appeared to him, that as the Poor-laws, at the present moment, were in a great measure the support of the poor, it deserved very serious consideration whether the House, by agreeing to the bill, would not be passing a measure to transfer from personal property a charge now borne by it, and so far to cast an additional burthen upon the land. He must say, that he should be inclined to listen with favour to any argument, founded in justice, which went to increase the proportion of weight of this kind to be sustained by personal property, and so far to relieve the land by shifting the present accumulation. As there was at present a law in operation in populous and prosperous towns, having the effect of subjecting personal property to the maintenance of the deserving poor, he thought it a decided objection to any measure, which tended to relieve personal property and to load real estates. On the other hand, his right hon. friend had used an argument which he (Mr. Peel) did not think conclusive, when he said that the most industrious and deserving class of the poor would thus not be entitled to settlements. He thought that one effect of the bill upon the table would be to augment the number of that class—he meant the class which found labour in parishes, but were not entitled to settlements, and who, in some respects, were in as satisfactory a state as poor could be placed in. It was a strong discouragement to a man to apply for parish relief when he knew, not that it would be withheld, but that there would be considerable difficulty in obtaining it, and that he would thus subject himself to be removed to another parish. Thus they became the most deserving and industrious class among the poor; and, as he had before said, the effect of the bill would be to increase that class. It would not deprive any man of a settlement; for no man would remain without a claim on some part of the kingdom; but it would lessen the objection to give a pauper relief who might be in actual need of it. If the question now were, whether the bill should pass into a law, he was not sure to what determination he should come. At present he begged to be understood as pronouncing no positive opinion; and if hereafter he found good reason to vote against the measure, no charge of vacillation could be fairly established against him. He had so firm a reliance on the judgment of his right hon. friend, that he might, even in the next stage arrive at a different conclusion. In the present stage, he voted for the second reading, because he thought, on the whole, that the balance of argument was in its favour.

Sir *E. Knatchbull* observed, that he had voted in the minority of two, in the committee, because he did not think that the present system led either to an increase of litigation or perjury.

Sir *E. Carrington* spoke in favour of the bill, and expressed his wish that it had gone further. He thought that a settlement should be gained by a certain length of inhabitancy and service, say two or three years, without any reference to the nature of the hiring. Great encouragement would then be given to the honest husbandman, who would know that, by regularity and industry, after he had entered his name with the parish clerk, he could obtain a settlement where he wished.

The motion was agreed to.

THE CORN BILL.] The Order of the day was read for receiving the Report of the Resolutions on the Corn Trade Acts. Sir A. Grant brought up the Report, which was read a first time.

Mr. *Hume* hoped the House would indulge him for a short time, while he endeavoured to state his views as to what the law should be respecting Corn, and the measures that would ultimately tend to the public welfare, in contradistinction to those which had been passed by the House to the present time. He was aware that much angry contention had taken place on the subject of these laws, and that the country gentlemen considered the present measure favourable to their interests, because it imposed those high duties which his majesty's ministers had been induced to propose. He, for one, thought that the landed gentlemen had no right to the peculiar and exclusive protection, as they called it, which this House was not prepared to extend to other branches of industry and capital. It appeared to him, that they took the most erroneous views of their own interests, in wishing to cramp the powers and energies of the country. If there was any point to which they should more attend than any other, it was, that they should free themselves from the idea, that the land was the principle and most important interest in the country. Differing as he did from them, he would candidly state that, in his opinion, they much overrated that interest, and that this country never would have been powerful or rich without foreign commerce. If they looked back to history, they would find, that all those countries which had been rich and powerful, were those which had employed their capital most largely in general commerce. When they stated, therefore, that the landed interest was the most important, and almost the only interest to be supported, they were clearly under an error, which he trusted he might be enabled to remove. If the land alone was the principle source of the wealth of a country, what should be the situation of Poland, where the chief produce of the land was corn? Any one who knew anything of the condition of that country was aware, that there was scarcely a country in Europe where the people were in greater wretchedness than in that, though the soil produced corn so abundantly. If the people of Poland could add commerce to their agriculture, that country would rise in wealth and strength; but then its prosperity would not be in proportion to the cultivation of the soil, but to the extension of its commerce. If the country gentlemen thought the land alone was the source of wealth, let them look at Ireland. No country produced more corn, in proportion to the soil under cultivation; yet, were the people there happy or wealthy in any class of society? Without alluding to the instances history afforded of great powers arising from commerce, he would prove that a country dependent on agriculture could not be so strong as with the aid of commerce.—He was desirous that the landed interest should not, for their own sakes, adopt measures which tended to enrich themselves at the expense of depressing the two other branches of public industry—without which the land would be of no value, and with which their property had risen, and would continue prosperous. He was willing they should have a price which would allow them a fair return of their capital; but he would deal with corn on the same principle on which parliament legislated, as to every other article of commerce. The country gentlemen supposed that there was something peculiar in the quality of corn which took it out of the general rule applicable to the regulation of commerce. He was anxious to divest corn of this peculiarity, and bring it under the general rule which applied to every other commodity. What, then, was the principle on which the external trade of the country was regulated? Was it not, that we should buy every thing at the cheapest price at which the raw material or the manufactured, as the case might be, could be obtained, in order that we might command for the least sum the greatest quantity; and as we paid for it with our own produce in exchange, thereby make the largest addition to the wealth of the country? If we could introduce a quarter of wheat which we would not otherwise have, we should be to that extent the richer by it. If a nation could import a million of quarters, it would be richer, to that extent, than without them. If by that addition the landed proprietors would not be injured, but, on the contrary, the value of their property would be increased, why should not the House act on the general rule, with regard to corn, on which they proceeded as to all other articles of commerce? He had heard landed proprietors object, that this foreign wheat would meet theirs in the market, and prevent their farmers from obtaining those prices which would enable them to pay their rents. He denied the position. In the present state of the country, when many people were unemployed, and maintained chiefly by the poor-rates which were raised on the land, he contended that, in direct proportion as the number of idle and useless hands increased, the land was injured by the additional charge. Nobody could deny that a great number of persons—he would say, for the sake of argument, that five hundred thousand, or a million of people—were unemployed in this country. Now, if they could give employment to these people, it could not be denied that they would add to the general interest of the community, by earning their livelihood, instead of being supported by the poor-rates. So far from the landed interest being liable to suffer injury by a free trade in corn—so far from that article being an exception from the general rule—he was about to state, why he thought it should fall more particularly under that rule than other articles. There was a limit to the consumption of sugar, tobacco, tea, and every thing else imported; consequently the trade in those articles could only be carried on to a limited extent. But the trade in corn, as long as there were mouths to eat, might be carried to an almost unlimited extent. As the population increased, that trade might go on increasing in the same proportion; and he would shew, that if it did go on increasing, it would give labour to the unemployed, and add to the wealth of the country; because, for every quarter of foreign corn imported, this country would be obliged to produce manufactures wherewith to pay for it. By this interchange, we should add to the wealth and power of this country; and as we knew the ratio at which the population increased, we might allow corn to be admitted to the greatest possible extent. An argument commonly used by the landed gentlemen was—"But if this foreign corn comes in, my wheat will not be used." He, however, contended, that there were at present a million of persons who had only half a meal, because their wages would only enable them to obtain a scanty supply for their wants, consisting of corn, potatoes, and perhaps some little meat. They were now in many places reduced to the lowest scale of misery. If he could, by introducing a million quarters of foreign corn, give employment to this million of idlers, he should not diminish the consumption of corn a single bushel; but, on the contrary, by giving them additional wages, he should enable them to eat their belly full every day, and have meat at their dinners, which they could not now ordinarily obtain. By the expenditure of their wages, the price of articles generally would be increased; and the cost of many articles, it was known, consisted of labour to the amount of three fourths, and even five sixths of their whole value. A ton of raw iron cost a small sum; and it required nine times, or rather ninety-nine times, its original worth, to be laid out upon it in wages, to fit it as manufactured goods to be sent abroad, to pay for the foreign corn we had to import. The value of the manufactured article was, in some cases, composed to the extent of one half, or three fourths, and in others almost entirely of the wages of labour. In this manner, if these people were employed, they would not only pay for the corn they would consume, but they would relieve the landed proprietors and the country at large from the necessity of supporting them as idlers, and tend to raise the value of other articles produced from the land. Some members, who lived in the neighbourhood of manufacturing towns, could better explain the mode in which, when trade became dull and employment scarce, the demand for animal food gradually declined, until it was much reduced in value; and though corn declined but little, yet the other produce of the farm was so materially affected, as to interfere greatly with its general returns. The reverse was the case invariably as trade revived; and it could only revive, by the preparations for exports which were to be exchanged for something we wanted from abroad. The landed proprietors ought rather, therefore, to promote a free trade in corn than to refuse it. He had heard with regret, in the course of the discussions on this measure, complaints made that the proposed scale of duties did not amount to a prohibition. He maintained that it did amount to a prohibition; and the right hon. Secretary for the Colonies had candidly admitted, that, when the price of corn was 58*s*. or 59*s*. the duty amounted to a virtual prohibition. He asked how his majesty's ministers, after the exposition of principles they had made, as to the necessity of removing all prohibition, and admitting all articles on a limited duty, could bring forward such a scale of duties relative to foreign corn, as that of last or of the present year? They were each evidently contrary to those principles; and if he were to take the speech of the right hon. gentleman in that House on the general question of free trade, he could read pages from it, in opposition to the arguments he had used a few nights ago in defence of this measure, and of the principles on which government were now acting. He did not, however, believe that the present scale was such as they would have adopted, if they had thought they could carry a better through the other House. He believed they were anxious to obtain something better for the country, if they could see a prospect of carrying it through both Houses; and perhaps it was better they should take a practicable course, than stand out on principle, as he proposed.—There was one mode of reasoning adopted on the part of the landed proprietors, which he deemed it necessary to advert to; namely, that which they used when they put themselves forward as promoting this scale of duties, in order to protect agriculture. He denied that this was their object. They were desirous to protect themselves as capitalists, but not to protect agriculture. He denied that the interests of the landowner and the farmer were the same. They were no more so than the interests of the manufacturer were those of the agriculturist. The landed proprietor was the owner of a certain capital; and it was his business to get as large a return for it as he could. The agriculturist was the person who hired this capital, which was the land, at a certain rate, and employed on it his own capital to bring forward the growth of corn. He acted no more as the proprietor, than a man who might make cloth with a loan advanced to him. There was not a single manufacturer who was not as much entitled to be protected as the farmer; speaking of him in contradistinction from the capitalist in land or money. There had been much confusion in the deliberations of that House, and in opinion out of doors, through the artifice with which the landed proprietors had induced the agriculturists to join them, as if their interests had been the same. Last year the noble member for Yorkshire (lord Milton), on presenting several petitions, had manfully stated this very principle, which he was sorry to observe had not been enforced last week, in the discussions that had taken place on this question. The landed proprietor and the farmer were put together, as if they were the same person and their interests one. He was quite aware, that in drawing a broad line of distinction between the interests of the farmer and the land-owner, he should always regard those who had long leases, as having their interest, during the term of their leases, identified with that of the proprietor. He found that while one kind of manufacture had a protecting duty of ten per cent, and cotton, woollen, and tin, goods about twenty per cent, the present duties on corn could be imposed only on the principle, that the price of that commodity was to be kept up to its artificial height, while all other articles were left to find their level. Some members would recollect, that when the general system of the trade of the country was under discussion, he had objected to the high rates of the prohibitory duties; but petitions from all quarters had poured in from the manufacturers, calling for a protecting duty, because corn was in this country, kept up at an artificial price. If this prohibition was removed from the food of man, these protecting duties might, in a great degree, be removed, and our manufacturers would be ready to meet the continental manufacturers in fair and open competition. These duties existed only from the vice of our law relating to corn. If the interchange of commodities were promoted between other countries and England, by the removal of all prohibitory laws, every man in the country would be employed, and consequently the general value of all property would increase. This should be the object of legislation. It was said, that the landowners had a right to protection; but he must remind them, that the present restrictions were but of yesterday. It was well known, that when the law of 1815 was passed, the price at which foreign corn was admissible, was very limited. Up to 1791, under the price of 44*s*. 3*d*., the duty was 24*s*.; from 44*s*. to 48*s*. the duty was only 2*s*. 6*d*.; and above 48*s*. foreign corn was admitted at a merely nominal duty of 6*d*. During the period from 1791 to 1814, the price was raised from 44*s*. to 50*s*., and afterwards to 63*s*., in consequence of the state of warfare then subsisting, and the depreciated currency of the country. His majesty's ministers were not acting wisely in endeavouring to keep up the artificial price which had arisen under these circumstances; and he was the more astonished, as he understood they intended, as far as they were able to adhere to their determination, to have a metallic currency. They ought either to bring back the artificial prices which existed when 63*s*. were fixed upon, or they ought to restore the currency which circulated when 44*s*. was the price at which the duty was imposed. It was vain to suppose, looking at the load of taxes this country was burthened with, that the produce of the land would support the heavy expenses of government, unless assisted by a great increase of commerce. But he was told by the landed proprietors, that they could not pay their taxes unless the protection was continued to them. He thought just the reverse; for if he was obliged to pay a shilling for a loaf, and had only two shillings in his possession, sixpence of which he must part with to the tax-gatherer, it followed that he could the less afford to buy bread in proportion to its dearness. He contended, that the principle contained in the present resolutions, ought not to be adhered to, because it contained none of the qualities it was represented to possess. It was his wish to see a measure introduced which would, in the first place, give the country a steady price, and in the next place, settle the law upon the subject of corn once and for all. He asked the right hon. gentleman (Mr. C. Grant), or any of his friends, if they had the slightest idea that what they were now proposing would produce a final settlement of the law on this subject? He believed that no man could say so. Corn must be put on the same footing as every other article which could be imported; and until it was so placed, the question never would be settled, nor the country be able to attain any condition of prosperity. It was said, however, that if they suffered this unlimited importation, the country would be deluged with an immense stock of grain from the continent. He contended, that this country never could be so inundated. He found his answer to that assertion in the average price which grain had borne, in every country in the world, for the last thirty years. In Holland he found that the average price for that time had been about 36*s*. a quarter; in France, about 47*s*.; in Spain, 49*s*.; in Portugal, 64*s*.; and in America, 34*s*. 6*d*. He did not, in this calculation, include the last year, because it was effected by peculiar circumstances. In Dantzic, for forty-nine years, the average price was 45*s*. to 48*s*. a quarter. In Amsterdam it might be quoted at 38*s*.; and in Hamburgh at 47*s*. At Paris, for nineteen years, the average price had been 45*s*., and the price throughout the whole of France was calculated, in the same period, at 42*s*. Now he would say, that it was impossible for the grower to send it to this country, after paying his expenses, under any hope of a profit. The agreement which was said to have been entered into with the landowners was, that the average price of this country was to be 60*s*.; but he contended, that it was utterly impossible to preserve corn for any period at that price, unless they drove all the poorer classes to live upon potatoes. It was his desire to give the agriculturists protection; but by that he meant the protection which would place them in the same condition as the manufacturing classes. He would give them a protecting duty sufficient to counter-balance the pressure of the poor-rates, the county rates, and the other charges to which they were subjected beyond the fund-holders; but he would not give more, and for this purpose he preferred that the ports should be open at all times, and that the duty should be 15*s*. for this year, decreasing 1*s*. for the next five years, until the duty reaches 10*s*. a quarter, at which it would remain fixed and invariable. Every one knew, that a market limited in its supply, or subject to any restrictions, was much more liable to great changes than a market open at all times to every speculator. By adopting his plan, they would get rid of those convulsive variations which had taken place for the last few years, and of that vile system of averages complained of by every member who had addressed the House. He had been told, that when corn rose to a famine price, the system of a fixed duty could not be maintained. He admitted that proposition, but he was prepared to contend, that the system of keeping the ports always open would secure such a supply as to guard against the possibility of a famine price ever occurring in this country. Holland was an example of this. Until that country was placed, two or three years ago, under the same bad system as this country, to please, he believed, the Flemish farmers, the price of corn in that country had remained for half a century almost always the same. The House had, no doubt, in their recollection, the misery and ruin which pervaded the agricultural classes when corn fell to 38*s*. It was well known that, at the time when corn was so low in this country, it was much higher in several parts of the continent; and he would, in the event of any such reduction in the price hereafter, give a bounty, say of 10*s*., to the British corn-grower, upon every quarter of corn exported to those countries where it was likely to meet with a sale.—After observing that the United States of America never could bring corn into this country with any success, unless when the price fluctuated between 55*s*. and 60*s*., the hon. member proceeded to argue, that by opening our ports to their grain, we might, in a great degree, discourage the disposition to manufacture which they had manifested, and induce them to return to the natural labour of an agricultural country—the production of grain. By these means this country, possessing more capital than all others, would be able to extend her commerce to an indefinite extent, by exchanging her manufactures for the corn of America and the other nations of the world; and the formation of the prosperity of all the different classes who now complained of distress, would eventually render the country rich and contented. After shewing that he had been recommended to separate his resolutions into two parts—one declaring that there ought to be a fixed duty without stating what it was to be; and the other declaring the duty—the hon. member concluded by saying, that he felt bound, upon reflection, to adhere to his original intention, and he, therefore, begged leave to move, "That from and after the 5th of July, 1828, and until the 5th of July, 1829, a duty of 15*s*.

shall be imposed on every quarter of wheat imported from any foreign country into the United Kingdom; and for the year from the 5th of July, 1829, to the 5th July, 1830, a duty of 14*s.* a quarter, and in every succeeding year afterwards, the duty shall be reduced 1*s.*, until the 5th of July, 1834, after which the duty of 10*s.* shall remain a fixed and permanent duty, payable on every quarter of wheat imported from foreign countries, except Canada, as hereafter provided for."

Mr. *Warburton* seconded the motion, and contended that the plan of his hon. friend rested upon precisely the same principle as that of the late Mr. Ricardo, with the exception that Mr. Ricardo's scale of duty commenced at 20*s.*, and his hon. friend's at 15*s.* This difference, however, was more than compensated by the change in the currency, since the time Mr. Ricardo wrote; the proposal therefore was almost in every respect the same. After observing that the price supported by the bill now before the House held out no encouragement to foreign growers to cultivate for the supply of this country, the hon. member contended, that the proposal of his hon. friend would, if carried into effect, induce them to provide a regular supply. The observations of the right hon. Secretary for the Home Department on this subject were very inconsistent. At one moment he called this bill a compromise between two interests, and almost with the same breath he declared that it was intended to support the landed aristocracy in that station which they ought to occupy in society. Against the doctrine of taxing others for their support, he begged most strongly to protest. He contended, that by placing such a high duty on corn in this country, we prevented its price rising abroad; and though the landed gentlemen might prevent that corn coming in here, they could not prevent the migration of capital to the cheap corn. We had at present a surplus unemployed capital, and a redundant population. Under such circumstances, it would be madness in the country gentlemen to introduce a measure which would have the effect of forcing capital abroad. As it was, abundant capital existed at home to give employment to the redundant population, to improve the estates of the agriculturists, and to bring into full play all the means of productive industry. But instead of keeping that capital at home, and directing it into channels so beneficial to the empire at large, the country gentlemen absurdly endeavoured, by their high prohibitory duties, to force it to find its way to foreign countries. For these reasons he would second the resolution proposed by the hon. member for Aberdeen.

Mr. *C. Grant* said, that with many of the general principles laid down by the hon. member for Aberdeen he certainly concurred, though not in the conclusions he had drawn from them. He agreed with the hon. member in the opinion that high prohibitory prices were injurious to the agriculturist, as well as to the consumer. From the experience of the last fifteen years, he agreed with him, that high prohibitory prices tended to drive out capital, and that they were not consistent with the state of our currency. He agreed that the system of the last fifteen years ought to be corrected; and those principles he professed, both when he supported Mr. Canning's bill of last year, and when he brought forward the present resolutions this session; but the hon. member would push these doctrines to extremes. The hon. gentleman had charged his right hon. friend the Secretary for the Colonies, with inconsistency in not applying the principles which he had carried into operation in regard to other commodities to that of corn. The hon. gentleman seemed to suppose, that in all these commercial changes his right hon. friend had adopted one inflexible rule in respect to all commodities, and under all circumstances: but he should have recollected, that in regard to the various articles which had been formerly brought under the consideration of the House, his right hon. friend had adopted the rate of duties which he then proposed, to the peculiar circumstances and condition of each. He was not sure that his right hon. friend's principles had been adopted to their fullest extent, in regard to those various articles, but so far as they had been adopted, they were accommodated to their peculiar circumstances and condition. The hon. gentleman said, that corn should be dealt with in the same manner as any other commodity. To a certain degree it would be right so to deal with it; but the right hon. gentleman had himself shown that it must be also dealt with in a different manner from other commodities. On a former night an hon. gentleman had alluded to the two modes of imposing a duty on corn; namely, by the imposition of an *ad valorem* duty, and of a fixed duty. The hon. gentleman adverted, on that occasion, to the *ad valorem* duty, which it had been proposed to fix upon corn, and which would rise and sink, according to the depression or rise in the value of the article. But did the hon. gentleman propose any such duty as that now?

Mr. *Maberly* denied that he had proposed an *ad valorem* duty.

Mr. *Grant* said, the hon. gentleman had used the expression of an *ad valorem* duty, and the hon. member who proposed the resolution before the House, although he then adverted to the expression, did not found his present proposition upon such a principle. He did not wonder that the hon. gentleman had abstained from making that principle the basis of his resolution; but the very reason which induced him to do so should have made him throw doubts upon the proposition, that corn ought to be dealt with in the same way as other commodities. The hon. gentleman proposed a fixed duty, which he said had been calculated according to the burthens directly imposed upon the producer. Now, he entertained great doubts of the accuracy of such a calculation, and of any system of duty founded upon it. It was not possible to make a correct calculation of the direct charges imposed upon the farmer, because they were ever varying: such as tithes, poor rates, &c. It would be impossible, in his opinion, to found a fixed duty upon such fluctuating charges. The hon. gentleman had objected to the resolutions proposed by government, on the ground that they would produce an unsteadiness of price; and he spoke as if he had had experience of their effects in that way. But the hon. gentleman could not speak of the operation of resolutions which had not yet passed that House. The hon. gentleman was wrong in supposing that a fixed rate of duty would produce a steadiness of price. Corn, like all other commodities, was subject to variations in its price: it was also subject to variations peculiar to itself, and upon neither could any fixed duty have any effect. The variations in corn depended on the variations in the seasons, &c. which were out of the reach of the effects of a duty. One of the recommendations of the measure now proposed by the government was, that it was adjusted to the variations in the price of corn, and that, to a certain degree, it tended to correct the fluctuations of that commodity. The hon. member who had seconded the resolution seemed to think it very improbable that a period of scarcity should ever arrive, when the price of corn would rise so high that it would be impossible to maintain this duty. The history of the corn trade in every country was opposed to the supposition of the hon. member. Corn, it was well known, was subject to the most violent fluctuations in price; and it was not alone possible, but, judging from experience it was very probable, that such a period of scarcity might arrive when such a duty could not be maintained, and when the consumer would call aloud for the interposition of the government. He was sure the House would never wish to see this country placed in such a situation. If corn should rise to 100*s*. how could this duty of 10*s*. be then collected? It was idle to say that such a period would never arrive. It was very probable that it might occur; and then the cries of a suffering population would compel the government to interfere. Would the House place the exercise of such an invidious power in the hands of government? These were his objections to the propositions of the hon. gentleman. But the principle of a varying duty was to accommodate itself to the variations of seasons and the fluctuations in the price of corn. Such was the principle of the measure proposed by government. When the price of corn reached a certain height, the protection granted to the grower must yield to the necessities of the consumer. On the contrary, when a depression occurred in the price of corn, the scale of duties proposed by government gave to the agriculturist that protection to which he was fairly entitled, and prevented the influx of corn from overwhelming him. Such were his reasons for opposing the resolution proposed by the hon. member for Aberdeen.

Lord *Howick* did not intend to follow the hon. member for Aberdeen through all his statements; he meant rather to confine himself to what had fallen from the right hon. gentleman, in what he had said of the advantages of a varying over a fixed rate of duty. He understood him to object to a fixed rate of duty, because the unequal burthens imposed on the agriculturist could not be calculated; but on what other principle than this did the right hon. gentleman propose his scale of varying duty? Was it not because the agriculturists did labour under such burthens? If his duty was not proposed on the principle of counterbalancing those burthens, did he propose it as a means of obtaining for them what was called a remunerating price? But if this were the principle, where was to be the limit to the protection? Would the right hon. gentleman go the lengths of some of the petitions presented to the House during the last session? Those petitioners, if he recollected right, described their soil as bad, their climate as cold and uncertain, and the returns for their industry as scanty and precarious, and they begged to be protected against the supply of foreign corn. If such a principle were admitted, the country might as well give up agriculture at once, and build hot-houses and grow sugar canes. He merely mentioned this, to shew the absurd lengths to which the principle of a remunerating price would carry the advocates of it. As to the fixed duty, he would allow that, in times of scarcity, it was not maintainable. But, then, the remedy in such a case would be in the hands of the government or the legislature. In case of a high duty, and a general scarcity through all Europe, this country would be placed in peculiar difficulty. The protective duties would prevent foreigners from cultivating corn for the English market. Then, in a period of scarcity, having cultivated only what was necessary for their own wants, they would be unable to supply us, and now, though they had a redundancy, they might reasonably say to us, "you would not admit our corn when the price was low, and shall not have it now that you want it." This was a situation in which he hoped the country would not be placed; but if it were, he did not know what we could say to such an argument. It was also said, that with a varying price we had a varying duty, which would ensure a steadiness of price. But steadiness of price would, he conceived, be injurious, as not insuring that proportion which naturally existed between the supply and the demand. The price varied naturally from variations in the seasons; and if these variations in price were not to take place as the farmer's harvest was abundant or scarce, he would be alternately exposed to ruin from a failure of his crops, and would at other times make exorbitant profits on his abundance. The variations since 1815 had been very great, and they had been enhanced by the law; but a fixed price, not varying with the seasons, would be very undesirable. A fluctuating price informed the grower of the supply wanted, while a fixed duty ensured, he thought, a supply. It was very desirable, therefore, that the motion of the hon. member for Aberdeen should be supported.

Mr. *W. Baring* contended, that scarcity was the curse of war, and reprobated the Corn-bill as a means of inflicting on the country, in the twelfth year of peace, that curse. Some excuse might be made for adopting, at the commencement of the peace, a system of protection; but at this day, when English capital was united to foreign countries by projects for cutting canals and such national schemes, and when the labouring classes of this country were suffering for want of employment, was it wise to introduce a measure calculated to drive English capital to foreign countries, and, at the same time, to inflict high prices on a population which could not afford to pay them? He would support the motion of the hon. member for Aberdeen.

Mr. *O. Cave* was of opinion, that the present measure would do a great deal of mischief. No doubt a period of scarcity might arise when a fixed duty, similar to the one now proposed, could not be exacted; but similar effects might occur under the bill introduced by government. By the measure now proposed, a tax would be levied on the poor and industrious to fill the pockets of the rich and the idle. He would therefore vote for the amendment.

Mr. *Irving* said, he preferred the present measure to that of last session, because he thought the higher scale of duties afforded a considerable additional security; which, in his view of the subject, the welfare of the country, as well as the just interest of the landholders, stood in need of. One would suppose from the speech of an hon. friend, that no Corn-laws existed in any other country. Was there not a Corn-law in France, Spain, Portugal, and every commercial country in Europe? They had each of them, found the use and necessity of such laws. Gentlemen ought to recollect, that those countries from which we derived the principal part of our wheat, were not consumers of it; and we could not tell those people, because wheat was dearer here than there, that their food was therefore cheaper than ours. Much had been said about the labour bestowed on manufactures; and this point was insisted on strenuously as a reason for allowing the free importation of grain, in order to render it as cheap as possible. But he believed, on examination, it would be found that the price of labour did not form more than about one sixth part of the cost of the manufacture. Looking to all the bearings of the present measure, he considered it to be a modified adjustment with which all parties ought to be satisfied.

Lord *Milton* said, the hon. member who had just sat down had described this measure to be a modified adjustment of this question. Now, it appeared to him, on the contrary, to be a decided compromise between two great parties. That its general principle was good he never heard any individual admit—nor was it admitted by the right hon. gentleman. He lamented the erroneous views which those who were chiefly interested in the bill took of their own interest, in one sense; and still more did he lament that erroneous view as it operated against the country. When he saw gentlemen divide, from time to time, for the purpose of settling whether the price of oats, rye, or barley should or should not be a shilling more—when he saw them coming down even to peas and beans—it was in vain for him to listen to the high-flown speeches of hon. members, who declared that they had no wish to exalt their own interest to the depreciation of other classes of the community. They must give him leave to say, that he must place their words in one scale, and their actions in the other. Let it not be asserted, that all these pleadings for a shilling more for barley or for oats were destined for the farmer, who stood between them and the consumer. No such thing: the rent of the farmer depended on the price he received for the article he sold; and if, by a legislative enactment, he procured a higher price for his corn, the public might rest assured that the English gentleman would get a higher price for his acres of land. The fact was, that the landed interest were casting "a longing, lingering, look" to the high prices which they had at the end of the last war; but nevertheless, they appeared to him to have mistaken their own interest. The hon. member who had just sat down, had maintained a principle which no writer on commercial subjects had ever promulgated; namely, that labour was not a most important article in manufactures. Gracious heaven! was it reserved for one of the most acute commercial men of the day, to assert, that the price of labour was of little or no importance.

Mr. *Irving*.—I did not assert any thing of the kind. I stated, that according to the most accurate calculation, the price of labour was, in the cost of manufactures, about one sixth.

Lord *Milton*.– Precisely so; but the inference which he drew from it was, that this one sixth was a matter of very little importance. Now, he, on the contrary, viewed it as a matter of very great importance. What was the course which the landed interest called on the House to take? They said "high price is a good thing." So did he; provided the high price arose from a steady and increasing demand. But the high price which they were called on to aid was not a high price arising from an improving population, but a high price caused by a stinted supply. Such a high price was not a symptom of misery; and it was against that high price that he contended. To think of forwarding the prosperity of the farmers by levying an impost which must be injurious to the manufacturers, was the most fallacious idea that could possibly be entertained. He did not wish to see one acre of ground thrown out of cultivation; but the owners of the land ought to cultivate it at their own expense; he did not like to see it cultivated at the expense of others. If they could not get it cultivated but at a certain price, and if that price were forced, by a legislative enactment, from the people, it was clear that they took it from the pockets of others. But, in 1819, the House took a step which rendered every attempt of this kind futile. They wisely determined to abandon the paper system, and to have recourse to a metallic currency; and he had heard, with great pleasure, the chancellor of the Exchequer declare, that it was the determination of government rigorously to adhere to that resolution. He hoped that no hints, no expostulations, which might come from those who favoured the present measure, would induce ministers to interfere with the determination which government came to in 1819; at the same time he would warn them that six months would not pass over their heads before such an attempt would be made. But, when they determined on recurring to a metallic currency, they had, in fact, prejudged the measure on the table. They had, in effect, predetermined that the resolutions should be a dead letter; because a metallic currency being established, corn could not rise to 64*s*. The hon. gentleman had stated, that a vast number of farmers in England had lost one-half of their capital. He was sorry for it; but he was happy to assure the hon. gentleman, that those farmers with whom he was acquainted were not in any such situation. He knew how vain it was to attempt to impress the feelings which he entertained on this subject on that class of persons of which he, amongst others, was an unworthy member. Those opinions, however, he had long cherished, and he should continue to adhere to them, being quite convinced that the course which the agricultural interest were now running was extremely injurious to themselves, and still more injurious to those whose prosperity they mistakingly thought they were advancing. Any attempt at keeping up a high price in this country must occasion great fluctuations, than which nothing could be more disadvantageous to all the parties interested. Against these fluctuations it ought to be the great wish of the House to guard, and nothing, in his opinion, would so effectually cure that evil as an established trade in corn.

Mr. Secretary *Peel* thought that, on this occasion, the noble lord had done injustice to the representatives of the landed interest. He did not consider it to be fair for the noble lord to argue that the representatives of the landed interest in that House were actuated by their own private and personal views. In the first place, the speech which the noble lord rose to answer, and which was in favour of a protecting duty, was delivered by a gentleman not at all connected with the land, but by an individual whom the noble lord himself had described as one of the most enlightened and distinguished members of the commercial interest. Now if the noble lord found a gentleman against whom no possible imputation, on the score of personal interest, could be advanced, and whom he described as peculiarly capable of taking enlightened views, if he found such a man advocating the measure, he thought it was too much for the noble lord to say, that every individual who took that particular view of the subject was influenced by the desire of serving himself. Neither did the noble lord describe fairly what had taken place with respect to the proposition for an additional duty on oats, rye, and barley. That protection had been called for on this principle—that if a protecting duty were laid on wheat, and not on other sorts of grain, it would be the means of discouraging the growth of the latter. The noble lord had adverted to the present measure being an adjustment; and he had dwelt, rather inconsistently, on the satisfactory circumstance, that the subject had been discussed without excitation throughout the country, which had evinced a disposition to be content. Then it was to be assumed that the manufacturing interest was not displeased with it. If, then, there was this general acquiescence in the adjustment, why should the noble lord contend that the landed interest were pressing too eagerly for the protection? Let the House but agree to a fixed protection of 10*s*. on the importation of foreign corn, and he would assure the noble lord there would be no ground for exulting at the absence of excitation and discontent. The noble lord had alluded to a declaration of the chancellor of the Exchequer, as to the determination of government to adhere to the existing law for suppressing the small notes issued by country bankers. He entirely acquiesced in that statement, and considered that the question now was, whether we should not make a determined effort to establish a metallic currency; for, if this effort was not now made, it never would be. The circumstances of the country were so favourable, that if now receded from, no opportunity so fit would occur. If circumstances should make a departure from the measure desirable, he should abandon all hope of seeing a general metallic currency; and there was no security without it against the contingency of unfavourable times. In the event of an unfavourable harvest, if country bankers were allowed to issue small notes, though they might be convertible into gold, the effect would ultimately be to drive all gold from circulation, and in times of pressure it would be impossible for any company, however wealthy, to meet the contingency.—He was sorry to have diverged so long from the proposition more immediately before the House. That proposition, if it succeeded, would amount to a constant and unvarying duty of 10*s.* a quarter upon all foreign corn imported. He could not understand why the hon. member for Aberdeen had proposed this duty; for it appeared to him totally irreconcileable with his own principles. He gave the agriculturists, according to his own showing, three times too much. Consistently with his own principle, he ought to give the corn-grower no protection at all. The hon. member had said, that the cheaper the people purchased corn, the greater would be the advantage to both purchaser and consumer. If the quartern loaf were at a shilling, and it could be reduced to eight-pence, the hon. member maintained, that all parties would be so much the richer. The hon. member had said, that he applied the same principle to nations as to individuals, and to the Corn-laws as to the quartern loaf. The hon. member, therefore, departed from his own principle when he proposed giving a protecting duty of 10*s.* But on what principle was it that the duty was to be always 10*s.*? According to his own shewing, there ought to be no duty at all. If the hon. member was right, that in encouraging the importation of foreign corn the House really encouraged the agriculture of England, it followed, that the agriculturists would be injured by the duty of 10*s.* which the hon. member proposed. The hon. member had stated, that after all the inquiry he had made into the subject, he found that the home produce was taxed only by 3*s.* a quarter above the general proportion of assessment. Why not, then, propose a duty of 3*s.* upon foreign wheat? Surely the hon. gentleman did not think to conciliate the House, by granting this superfluous protection of 10*s.* According to the principle which he had laid down, he ought, in point of fact, to grant a bounty upon foreign wheat, especially as it was exposed to all the disadvantages of freight, insurances, and a long voyage. But in the whole view which the hon. member had taken of the question, he had left out all consideration of those political principles which were interwoven with the subject. The hon. member for Thetford admitted that there were political considerations mixed up with the question, and which were totally distinct from the mere question of price. That hon. gentleman had confessed the constitutional policy, by which the aristocracy and magistracy of the country were maintained as essential parts of the community. It was not for any man to lay down principles with reference to this country, complicated as was its state of society, which could apply only to the institutions and condition of other states. The House ought not to forget that Ireland was an agricultural country. In the present state of Ireland, there were political considerations which would prevent any introduction of foreign corn to the extent, or upon principles, that would interfere with the agricultural interests of that part of the United Kingdom.—He objected entirely to the principle of a fixed duty. In times of scarcity, or when corn was so high as to afford a remunerating price to the farmer, the duty could not be levied. Nothing could be more clear, than that the causes which produced a sufficient harvest in this country would not have an exclusive operation. Mr. Burke had observed, that there were cycles of years of prosperity and of adversity. The principle might perhaps be fanciful, but it was clear, that the countries which produced corn, generally lay within two degrees of the same latitude, and were therefore affected by similar variations, or states of the seasons. He alluded to Poland, Germany, and Ireland, those countries from which the ordinary supplies were derived. Neither free trade, nor anything within his contemplation, could prevent the inconvenience arising from the same causes acting generally upon the countries from which the supplies of corn were drawn. By the resolutions proposed by government, corn was admitted at 72*s.* free of duty; by the propositions of the hon. member for Aberdeen, the duty at 72*s.* would be 10*s.* He did not suppose that there was any great chance of corn rising to 72*s.*; but were it to approximate to that price, the evil of the hon. member's permanent duty would be then felt in its full force. He equally objected to an *ad valorem* duty; and he thought that the only sound principle was to have a duty varying with the price. What that duty ought to be he would not at present discuss. It had already been settled by a vote decisively favourable to the scale proposed by his majesty's ministers.

Sir *T. Gooch* congratulated the House upon the declaration made by the right hon. Secretary, that the currency had a great deal to do with the price of corn. He wished the country had not so soon returned to a metallic currency; but, having done so, he hoped they should never see a large paper circulation again. It was very well for the great Leviathans of landed property, like the noble lord, with his estates of 80,000*l.* or 100,000*l.* a year, to talk of liberality; but what were country gentlemen of moderate incomes to do to support the poor around them, without protecting prices? An attempt had been most unjustly made by the noble lord to cast a slur upon the landed gentry, as feeling an exclusive interest from the rest of the country, and grasping all they could wrest from the other branches of the community. He fervently believed that the manufacturing interest depended for their prosperity upon the prosperity of the landed interest.

The House divided: For Mr. Hume's amendment 27; For the original resolution 139: Majority 112.

List of the Minority.

Baring, W. B.
Birch, J.
Cave, Otway
Davies, colonel
Dundas, sir R.
Dundas, hon. G.
Easthope, J.
Guest, J. J.
Harvey, D. W.
Hobhouse, J. C.
Howick, lord
Lumley, Saville
Maberly, John
Marshall, John
Marshall, W.
Martin, John
Milton, lord
Ord, W.
Ponsonby, hon. F.
Protheroe, E.
Rancliffe, lord
Robinson, sir G.
Sykes, D.
Thompson, C. P.
Wilson, sir R.
Wood, alderman
Wood, John

TELLERS.

Hume, Joseph
Warburton, Henry

HOUSE OF LORDS.

Thursday, May 1.

Protests against the Corporation and Test Acts Repeal Bill.] The following Protests were entered on the Journals against the third reading of this bill.

"Dissentient: 1.—Because, if it is expedient that so much of the acts recited in the bill as imposes the necessity of receiving the Sacrament of the Lord's Supper, as a test that the party receiving it is a member of the Established Church, should be repealed, some effectual provision ought to have been made by this bill, for the purpose of establishing that the persons who are to be placed in office, or employments, are Protestants, and members of the Established Church, to the intent to preserve the constitution, as it has been formed by the union of the Established Church with the State. And because the bill not only makes no such provision, but creates only the necessity of making a Declaration, which may be made by persons not even Protestants, and by persons denying some of the fundamental doctrines of Christianity, as maintained in the Established Church, as to which Church it has been declared by law, at the time of the Union with Scotland, not only that the doctrine, worship, discipline, and government, thereof, but that the true Protestant religion, professed and established in the Church of England, should be effectually and unalterably secured.

2. "Because, it having been alleged in the debates upon this bill, referring to the petitions which have been presented to the House, that persons cannot, with due regard to liberty of conscience, be precluded from holding offices in the State on account of their religious persuasions, we think it necessary to declare, that although every person ought to be at liberty to worship God according as his conscience may dictate, doing no injury to the State, we cannot admit that to the enjoyment of that liberty, rightly understood, it is necessary that those persons, who only profess that they will not, in the exercise of any power, authority, or influence, which they may possess by virtue of office, injure, weaken, or disturb the Church, should be considered as equally eligible to offices in the state as those who are members of the Church, connected and united with the state. It being, moreover, very possible that acts done by persons making such professions, which acts may disturb, weaken, or injure the Established Church, may be acts which such persons might deem it their bounden duty to have done if they had not been placed in office, and which, therefore, it might be unreasonable to consider as acts done by virtue of their office.

3. "Because we think that, whilst the state ought to secure to all, who do not disturb the public peace, complete liberty of conscience, it is perfectly consistent with such duty of the state to determine by what persons, subjects of it, the offices of state should be executed.

4. "Because it seems to us much more probable that peace, which, by the laws in being respecting the Church Establish-

ment, and the toleration of those who dissent from it, has so long been enjoyed in this realm, notwithstanding all differences as to religious persuasions, should continue undisturbed, if this bill had been rejected, than it is that it should continue to be enjoyed after this bill is passed into a law.

5. "Because we think that the Bills of Indemnity, which have been for some time annually passed, whilst they from time to time confirmed the policy of having some test as to the religious opinions of those who are to hold civil offices, did, at the same time, sufficiently relieve those who dissented from the Established Church; and though it seems to have been thought and assumed, in debate, that, if this bill passed into a law, annual Bills of Indemnity would no longer be necessary, we conceive that experience will prove that such opinion is founded in error. (Signed)

"ERNEST.
ELDON.
NEWCASTLE.
WINCHILSEA and NOTTINGHAM.
WALSINGHAM.
KENYON.
FAVERSHAM.
BROWNLOW.
MANSFIELD.
FALMOUTH."

"Dissentient: 1. Because, by the law of the land, and especially by the solemn contracts made on the Union of England and Scotland, and on the Union of Great Britain and Ireland, the United Church of England and Ireland, and the Church of Scotland as established by law, are parts of the constitution of the government of the United Kingdom; and it is declared that the doctrine, worship, discipline, and government, of the United Church of England and Ireland, as so established, shall be and shall remain in full force for ever; and the continuance and preservation of the said United Church, as the Established Church of England and Ireland, shall be deemed and taken to be a fundamental part of the Union of Great Britain and Ireland.

2. "Because the Sovereign on the throne of the United Kingdom is, by law, required to be a member of such Established Church, and to do all in his power to maintain that Church, as well as the Church of Scotland, and the ministers of both of those Churches, in all their rights and privileges.

3. "Because it has a direct tendency to the subversion of the Established Church of England and Ireland, and to compel the sovereign on the throne to adopt measures inconsistent with the safety of that Church, inasmuch as the object of this bill is to give increased political powers in the State to persons hostile to the doctrine, worship, discipline, and government of the said Church, as now by law established; and the experience of all times has shown that no institution of government can long subsist in any state, unless supported by the predominance of political power vested in those who are friendly to that institution; and this has been fully proved in this country by long experience, and particularly in the reign of king Charles 1st, when the predominance of political power in the two Houses of Parliament of England having been obtained by persons hostile to the Church of England, as then established by law, the king was compelled, by the influence of that power, in breach of his Coronation Oath, to give his royal assent to a bill intituled 'An Act for disenabling all persons in Holy Orders, to exercise any temporal authority;' and whereby it was enacted, that no Archbishop or Bishop, or other person, who then was, or thereafter should be, in Holy Orders, should have any seat or place, suffrage or voice, or use or execute any power or authority in the Parliaments of the realm, nor should be of the Privy Council of his Majesty, his heirs or successors, or Justice of the Peace, of Oyer or Terminer, or Gaol Delivery; or execute any temporal authority by virtue of any commission, but should be wholly disabled and be incapable to have, receive, use, or execute, any of the said offices, places, powers, authorities, and things aforesaid. And the persons hostile to the said Established Church of England, who framed the said act, and compelled the king to give his assent thereto, afterwards assuming to themselves the whole powers of the State, legislative and executive, by the appellation of the Lords and Commons assembled in Parliament, did by their ordinance, to which they attributed the force and effect of law, declare and resolve—'That the then Church Government, by Archbishops, Bishops, their Chancellors, Commissaries, Deans, Deans and Chapters, Archdeacons, and other Ecclesiastical officers depending upon the Hierarchy, *was an evil,* and justly offensive and burthensome to the kingdom, a great impediment

to reformation and growth of religion, and very prejudicial to the State and Government of the kingdom; and that therefore they were resolved that the same should be taken away, and that such a Government should be settled in the Church as might be most agreeable to God's Holy Word, and most apt to procure and preserve the peace of the Church at home, and nearer agreement with the Church of Scotland; the Lords and Commons then sitting as in Parliament, and who then assumed sovereign authority, being then in alliance with the members of the Church of Scotland, who had invaded England with a hostile army. And the persons so assuming the sovereign authority did afterwards, in pursuance of such ordinance, make a further ordinance in the year 1646, abolishing the name and title of Archbishops and Bishops, and vesting the rights and properties of the Archbishops and Bishops of the Church of England in trustees, subject to such trusts and confidence as the persons then pretending to be the two Houses of Parliament should appoint. And the same persons, by various ordinances, assumed and exercised the power of directing the public worship in all churches and chapels according to forms established by them; and of forbidding all persons to preach, except ministers ordained according to their ordinances, and except persons allowed by themselves under the denomination of the two Houses of Parliament. And afterwards certain persons, styling themselves the Commons of England, and assuming to themselves, exclusive of the Peers of the realm, powers which, by the ancient law of the realm, were vested only in the King, Lords, and Commons, in Parliament assembled, did proceed to ordain that the office of a King in this nation should not thenceforth reside in one person, and that the nation should be governed by its representatives, or national meetings in council, in the way of a Commonwealth; and did further declare that the House of Lords was useless and dangerous to the people of England, and ordained that such House should be abolished. And afterwards other persons, differing in religious opinions from those who had thus assumed the whole powers of the State, but adverse also to the Church of England, as before by law established, having obtained political power, superior to the political power before enjoyed by those who had before assumed all the powers of the state, did create a new form of government, placing at the head thereof a Lord Protector; and thus, from time to time, according to the prevalence of political power in the hands of different persons, of different religious opinion, the country was involved in confusion for many years. Such transactions proving most clearly that the peace of this country importantly depends on the existence of superior political power in those who are friendly to the Church established by law, and that giving political power to those whose religious opinions are hostile to the Established Church must tend to endanger that establishment and the peace of the realm, and finally may overthrow the ancient form of government now happily established by law.

4. "That the laws sought to be repealed were expressly made to avoid similar distractions in the State, by excluding from certain offices, giving political power, persons holding religious opinions hostile to the Established Church; and such laws were so made for the protection of such Church, and consequent preservation of the public peace, and were the result of the experience of those who framed those laws of the danger of intrusting political power to persons hostile to the Established Church.

5. "Because political power is the creature of political institutions; and when in any country political institutions, forming the government of the country, have been established, every alteration in those institutions departing in principle from the institutions before adopted, and tending to change the balance of political power in the State, is so far a revolution in the government of the State, and may, in proportion to the extent of the change made, tend to produce further revolution in the State; and therefore changes which may appear not to be in themselves of considerable importance may, by their effects, produce such further changes as may finally overthrow the whole constitution of the State.

6. "Because the perpetual endurance of the United Church of Great Britain and Ireland being, by solemn contracts, a fundamental law of the State, those who, on the ground of religious opinions, refuse to submit to the laws made for the preservation of that Church, might, with equal propriety, allege religious opinions as war-

ranting them in refusing to acknowledge the authority by which the perpetual endurance of that Church has been made a fundamental law of the State, or in refusing to acknowledge the title of the King on the throne, and of a parliament convened by him, on the ground of hereditary right to the throne, which they may suppose to be vested in the heir of the body of king James the First.

7. "Because, as long as religious or political opinions influence the minds of men, so as to render them hostile to any of the existing establishments of the State, such men cannot be truly loyal subjects of that State to the establishments of which they are so hostile; and cannot, therefore, be safely trusted with political power, by means of which they may disturb the tranquillity of the State, and endeavour to overturn any of its political institutions placed by the law of the State under the protection and control of its government.

8. "Because congregations of persons dissenting from the Established Church, but professing to be of some particular denomination of Christians, form, by their union under such denomination, a body which is, in effect, a corporation, but a corporation not regulated by law, nor, as a body, under the control of the law, and yet possessing, in a great degree, the influence and power of a corporation authorised and regulated by law, and capable of acting with a power which does not belong to individuals, or even to the same number of persons, not so assembled; and the union of many such bodies, however differing from each other in matters of faith or discipline, may form a power in the State, highly dangerous not only to the Established Church, but also to the general peace and good order of the State; especially if urged by religious zeal to desire any change in the Established religion, or in the doctrines or discipline thereof, which may tend to the overthrow of the Established government, and breach of the solemn contracts entered into on the Union of England and Scotland, and the Union of Great Britain and Ireland; contracts which every loyal subject of the Crown is bound to maintain, and which the Prince on the throne cannot consent to violate without a breach of his Coronation oath.

(Signed) "REDESDALE,
"KENYON."

List of the Majority, and also of the Minority, on the third reading of the Corporation and Test Acts Repeal Bill, April 23.

MAJORITY.

Alvanley
Arbuthnot
Auckland
Bathurst
Boyle (Cork)
Braybrooke
Bristol
Calthorpe
Camden
Chichester
Carlisle
Carnarvon
Carrington
Cleveland
Charlemont
Clarendon
Clifton (Darnley)
Cowper
Dacre
Dawnay (Downe)
Ducie
De Lawarr
Dufferin
Dudley
Dundas
Durham
Ellenborough
Essex
Farnborough
Fitzgibbon (Clare)
Fitzwilliam
Gloucester
Goderich
Gordon (Aberdeen)
Gosford
Grosvenor
Gower
Grantham
Grey
Grafton
Hereford
Harrowby
Heytesbury
Hill
Holland
Howard de Walden
Jersey
Kerr (Lothian)
King
Lansdowne
Lauderdale
Leinster
Limerick
Mendip (Clifden)
Manners
Maryborough
Melros (Binning)
Melville
Monteagle (Sligo)
Montford
Morley
Napier
Northumberland
Penshurst (Strangford)
Ranfurly (Northland)
Ross (Glasgow)
Rosebery
Rosslyn
Salisbury
St. Vincent
Saye and Sele
Selsey
Somerset
Spencer
Stuart of Rothesay
Stradbroke
Suffolk
Suffield
Sussex
Sundridge (Argyll)
Tankerville
Thomond
Teynham
Thanet
Wellington
Wallace
Wharncliffe
Winchester
Wilton
Yarborough
Bishops—York
    Chichester
    Chester
    Gloucester
    Lincoln
    Litchfield
    Llandaff
    London
    Ossory
    St. David's.

PROXIES.—CONTENT.

Abercromby
Albemarle
Anson
Ashburnham
Bayning
Barham
Bagot
Belmore
Bedford
Berwick
Breadalbane
Buckinghamshire
Buckingham
Bute
Clarence
Crewe

Caledon
Derby
Devonshire
De Dunstanville
Duncan
Erskine
Foley
Fortescue
Granville
Grenville
Hillsborough
Howard of Effingham
Hopetoun and Niddry
Hutchinson (Donoughmore)
Kingston
Lynedoch
Minto
Mount Edgecombe
Oxford
Plunket
Ponsonby (Besborough)
Portland
Scarborough
Scarsdale
Seaford
Somerhill (Clanricarde)
Sondes
Stafford
St. Helen's
Verulam
Waldegrave
Archb.—Canterbury
Bishops—Bangor
Hereford

MINORITY.

Abingdon
Arden
Beauchamp
Bexley
Bolton
Bradford
Churchill
Clanbrassil (Roden)
Colchester
Colville
Cumberland
Dorset
Eldon
Feversham
Grantley
Guilford
Hay (Kinnoul)
Harewood
Howe
Kenyon
Malmesbury
Mansfield
Mountcashel
Newcastle
Plymouth
Pomfret
Redesdale
Romney
Rolle
Shaftesbury
Sheffield
Sinclair
Skelmersdale
Silchester (Longford)
Willoughby de Broke
Winchilsea
Bishops, Bath & Wells
Bristol
Durham
Ely
St. Asaph
Salisbury

PROXEIS.—NOT CONTENT.

Farnham
Graham (Montrose)
Northampton
Rivers
Stowell
Tenterden
Wigan (Balcarras)
Wodehouse
Bishops, Exeter
Peterborough

WOOL TRADE.] The Duke of *Richmond* rose to postpone his motion for referring the Petitions of the Wool-growers to a Committee of Inquiry, until Monday.

The Earl of *Harewood* presented a petition from several merchants of London, who were not importers of foreign wool, but who prayed that no further duty might be levied on the importation of foreign wool.

The petition having been read,

The Earl of *Malmesbury* said, he was not surprised that the petitioners prayed that there might be no increase of duty on foreign wool imported, because such increase would be injurious to their interests. But the petitioners went further, and prayed their lordships not to go into a committee of inquiry, which their lordships had been requested to do by thousands of petitions, stating a strong case of distress. Was that the part of candid men? Could such conduct fail to convey an idea, that the present petitioners were afraid of inquiry?

The Earl of *Harewood* disclaimed, on the part of the petitioners, any wish, in asking their lordships not to go into an inquiry, to prevent the complaints of the opposite petitioners being heard. They had other reasons for their petition. Their lordships were, he was afraid, not aware of the excessive mischief which was done to the manufacturer and merchant by instituting an inquiry into all the minute details of their business. By that means many things were made known which were injurious to them. The simple meaning of the petition which he had presented was this:—after the lapse of a considerable time, the woollen manufactures were gradually reviving, under a duty of one penny upon the importation of foreign wool. The dismay talked of by the petitioners was the dismay which would be introduced into large manufacturing districts by the agitation of the subject; and they prayed their lordships not to go into a committee, in order to place an additional tax on foreign wool, as the experiment had been tried and had failed. The petitioners therefore simply said, that as the experiment had been tried and failed, they deprecated going into a committee of inquiry, where examinations would be taken and reported all over the world, throwing dismay into the minds of those engaged in the woollen trade, at the very moment when that trade was reviving.

The Earl of *Malmesbury* thought, that the representations of these petitioners would not justify their lordships in withholding that fair inquiry to which the agriculturists were entitled.

The Duke of *Wellington* said, he would give his consent to a committee of inquiry, on the very grounds stated by the noble lord—namely, on purpose to enter into a fair inquiry of the cause of depression of the wool-growers, but by no means with the intention of following that inquiry up by laying a duty on the imported article. His own opinion was, that the causes of the depression were not to be removed by an additional duty.

The Marquis of *Salisbury* said, that the trade had decreased since the low duty. The alteration, therefore, had injured the manufacturers, decreased the revenue, and ruined the agriculturists. If ever a *primâ facie* case for inquiry was made out, this was that case.

Lord *Wharncliffe* said, that as it was now declared, that ministers would not consent to any augmentation of duty, it would be losing time to go into a committee. Noble lords were mistaken, if they supposed inquiries of that kind did no harm. Many of their lordships lived at a great distance from the manufacturing districts, and had no idea of the distress and alarm occasioned by a mention even of altering the duty.

The *Duke of Richmond* said, he could conceive that the inquiry might be beneficial, although it led to levying no additional duty. He would suppose, as there were large tracts of poor land in this country, on which the short-woolled sheep were now reared, that it should be made out before the committee, that the price of short wool could not pay them; they might be induced to cultivate sheep with long wool, and of the market for that they had a monopoly. The wool-growers came to them in a respectful manner; and were they to be turned away without inquiry? He called upon their lordships to allow the agriculturists to prove their case; and if it should turn out not to be a strong one, he would pledge himself to vote against it.

Ordered to lie on the table.

STATE OF THE POPULATION OF IRELAND.] The Earl of *Darnley* then rose to bring forward the motion, of which he had given notice, for the appointment of a Select Committee to inquire into the State of the Distressed Population of Ireland. He was aware that he could command but little attention from their lordships, even on a subject of the greatest importance; but he felt, on the present occasion, that he laboured under much greater difficulties than usual, and nothing short of a sense of paramount duty, could induce him to trespass on their lordships' attention. Among the difficulties under which he laboured was that of bringing the leading features of the subject under their lordships' notice without fatiguing them with extraneous matter. He had other disadvantages also to contend against; one of which was, the load of prejudices which were engendered by the abuses of the Poor-laws in this country, which were carried to such an excess, that the very mention of the system was likely to expose him to more warmth than the occasion required. He deprecated as anxiously as any man any extension of that reprobated system; and he hoped he should be able to appease the anger of his noble friend (the earl of Limerick) when he stated, that it was far from his intention to recommend the English system of Poor-laws, as applied here at present, or even as founded on the original intention of the statute of Elizabeth. He was aware that by that statute, two objects were contemplated; one of which was to find employment for those poor persons who were able to work, but could not otherwise obtain it than by applying to the parish. He was of opinion, that if any thing like this proposition was extended to Ireland, the consequence would be, that in the present unfortunate state of that country, the whole of the rental would be insufficient to meet that object. With that opinion, he had no idea of recommending a system of poor-laws, by which any assessment could be made to enable the parishes to set to work the people who might be in want of subsistence. But there was another object contemplated by the statute of Elizabeth, namely, the relief of the "lame, impotent, old, and blind, and such others being poor and not being able to work." If, in the course of his address, he was able to prove, that the same description of people in Ireland were in great numbers in a state of utter destitution; that cases occurred daily, in which life even was sacrificed for want of an established provision for the poor, he hoped their lordships would agree with him, that it was incumbent upon them to institute some inquiry into this important subject.—He had been told, and with some degree of truth, that the situation of these persons had been already under inquiry before committees of both Houses of parliament. He was ready to admit this; for it was impossible that any committee could inquire into the state of Ireland, without having their attention called to the destitute and miserable condition of the peasantry; but hitherto it had only formed a subject of inquiry incidentally. It had not come before the committees *eo intuitu*, but merely as a branch of the general investigation in which they were engaged. It appeared to him, that the humanity of the public in this country had been too much directed to another class of sufferers! What speeches had not their lordships heard there and elsewhere! What volumes had been circulated on the misery of the slave-population of the West Indies! These friends of humanity were, indeed, so urgent with the claims of the negroes, that they overlooked the injustice likely to accrue to private property, and he was satisfied, that their premature endeavours to meliorate the condition of the slaves, instead of producing any beneficial result, would be the source of the greatest possible misfortunes to all the parties interested in that question.—He would therefore beg leave to call the attention of their lordships to the distresses of a numerous class of persons much nearer home, and much dearer to this country than any slave population abroad. God forbid he should undervalue the blessings of liberty! The Irish peasantry were certainly in possession of that inestimable blessing; but otherwise they were in a worse situation than the slave in the West Indies. Their wretchedness was more squalid; their houses, their clothes, and their food, were worse than those of any population on the surface of the globe. No doubt this wretched people had the liberty of propagating their race. They had the liberty also of locomotion, of which they availed themselves to a pretty large extent. Now, he wished particularly to draw noble lords attention to this part of the subject. A noble earl (Limerick) had told them, that he drew all his resources from Ireland. Now his (lord Darnley's) means were drawn nearly equally from the two countries; but he spoke advisedly, when he protested, that unless there was a great amelioration in the condition of the Irish population, if the wish lately uttered by a gallant admiral (sir J. Yorke) were accomplished, that Ireland were submerged, in the ocean, he should be in a much better situation, in reference to his income, than he should be if measures of improvement were not taken with regard to that country.—When he was drawn aside to this digression, he was stating that the liberty of locomotion remained to the Irish peasantry; and they exercised it daily more and more, to the injury of the people of this country. He was anxious to have ascertained the number of passengers brought to England from Ireland during the last three years. He had found, however, that it was almost impossible to obtain such a return. But their lordships would, no doubt, take it for granted, that there was an excessive influx of Irish into this country, by means of the steam-vessels. If the emigration to this country rapidly increased as he feared it would, unless prevented, the inevitable consequence would be, the amalgamation of the misery of the two countries. The Irish peasantry would find their way to England, and live on the English poor-rates, and the consequence would be, that they would undersell the English peasant in his only commodity—labour, in his own market, and by lowering the rate of wages, reduce him to the same state of misery that prevailed through Ireland. In the report of the emigration committee, this opinion was stated very strongly; and it was supported by the evidence taken before the committee of inquiry into the state of Ireland. It was satisfactorily shewn by that report, that no other result could ensue from the continuation of the present state of things, but the permanent deterioration of the price of English and Scotch labour: that the daily increased communication between the two shores could not be viewed without alarm: that the numbers removing from Ireland were constantly on the increase, and that a great change must follow in the character of the labouring classes in this country: that it was clear, that two such different states could not co-exist in the two countries, and that one of two results was unavoidable; either the condition of the Irish peasantry must be raised to that of the English, or the condition of the English peasantry must be depressed to that of the Irish. The same opinion had been expressed in various publications; one of which he held in his hand. He alluded to the "Letters on the State of Ireland," by Dr. Elmore, who had attempted to establish a manufactory in that country; but, for want of security, was obliged to withdraw his capital. This gentleman had done him the honour to address the letters to him, and in so doing, had paid him a compliment he was conscious he did not deserve. Though he did not agree in some of the propositions in these letters, he recommended the pamphlet to the attention of their lordships, as containing a great deal of useful information. The noble earl read the following passage:—

"The irresistible tide of emigration from Ireland towards these countries has already set in, and has been materially facilitated by steam navigation, so much so that the credulity of the most ignorant will soon be convinced that six or seven millions of people, with all their natural powers and great energies of mind, will not much longer suffer without making an effort to find better quarters. Every year it is ascertained, that increasing thousands are coming over, and in a short time it is to be apprehended that, driven by want, and aided as they now are by the subscriptions of the richer classes in Ireland, they will come over in hordes, like the Goths and Vandals of other times, and make a settlement in this country, where they hope their labour will be duly rewarded, and from which no act of parliament will be able to dislodge them. By competition for employment they will defeat every humane effort to keep up the present condition of the labourers of England. Their necessities will oblige them to work for half the usual wages of labour in this country; the English workman must either work for the same rate, or he will not get employment; he is thus thrown on the poor-rates for parish allowance, and in this way is the burthen of supporting the Irish poor put upon the parishes."

It would inevitably happen, if this system went on, that the rent of the Irish landlord would be paid out of the English poor-rates. He, as an Irish landlord, did not wish for any such result; but speaking as he ought to do when addressing their lordships, who were almost all landed proprietors, and whether in England or Ireland, all equally interested in this part of the question, he would say, it was established beyond all doubt, that a communication equal to a bridge was now existing between the two countries. It was quite impossible, therefore, unless they raised the Irish peasantry to the level of the English, that an amalgamation of misery should not take place between them. He believed the only remedy in their lordships' power was to endeavour, if they could possibly do it, to raise the Irish peasantry to the condition of the English; but, as he had already stated, he had no intention to recommend any assessment on the landed property of Ireland to give the poor employment. Yet the condition of that part of the population of Ireland was exceedingly wretched—their distress was so abject, that they were reduced to the lowest stage of degradation of which human nature was capable. It defied any powers he possessed to make their lordships acquainted with the extent of the misery of a large proportion of the Irish poor.—The noble earl then read several extracts from the evidence of Dr. Doyle before the committee of the House of Commons, detailing the wretched condition of the lower orders of the people in his diocese. The noble earl said, he might also make quotations from the works of Wilson and others, on this subject; but it would be disgusting, he apprehended, to their lordships to enter into further particulars of the wretched state of the great mass of the Irish population. Their lordships had heard it described by persons the best acquainted with the facts. The Irish peasantry were not now suffering the extremity of distress. They were enjoying their halcyon days; for a man and his wife now lived for three farthings a day. In the county of Limerick, a stone of potatoes might be purchased for three farthings; and in addition, it fortunately happened that the price of bacon was very high. The Irish labourer could not only live well by the plenty of potatoes; but he could sell the pig he fattened on them at a high price. These, therefore, were the best of times for him. Their lordships had, doubtless, all heard the old story of the Irish peasant, who told his visitor who objected to the presence of the pig in the house, that he had the best right to be there, as he paid the rent. It was notorious that the Irish peasantry paid their rents and taxes by the sale of their pigs.—He came, then, to consider what remedy should be applied to the evil. Government had, to a certain degree, given their sanction to the only means of relief that had yet been suggested. That emigration, if it could be carried into effect, might produce some partial relief, he would not deny. But it appeared to him, that the system of emigration recommended by the committee of the House of Commons was more likely to be advantageous to this country than to Ireland. It might operate, and he believed it had operated, in certain parishes, to relieve the pressure of the poor-rates. It had done so in Sussex and also in Kent. He had been informed by a respectable magistrate of that county, that by means of a loan he had advanced on the poor-rates of one of the parishes, the

Vestry had been enabled to export no less than eighty individuals. This was the case of an agricultural parish, not very populous, on the borders of Sussex. The effect had been, that the parish was now enabled to maintain its poor with ease, and give them constant employment; while it was making provision to repay the advance on its poor-rates. But when he came to consider what was the recommendation of the committee, and contrasted it with the amount of the population of Ireland, it was evidently futile. The utmost extent of the recommendation of the committee was, that at the expense of 1,140,000*l.*, in three years, there might be exported only ninety-six thousand individuals, men, women, and children. Now the population of Ireland was not less than eight millions. Assuming it had increased to that number, six millions were probably in the state of distress he had described. He would take it, however, at seven millions, and would suppose that five millions only were unemployed poor. Suppose, then, the emigration scheme were applied to Ireland, what would be the result? That in three years, a fiftieth part would be removed. Could anybody doubt that the vacancy caused by the removal of these persons would be immediately filled up? On this part of the subject he would refer to the publication of Mr. Sadler, on Ireland. From the extract he would read, their lordships would find that, by a law, which it was impossible to control, the increase of population took place in an increasing ratio, as the numbers of the people diminished; and it followed, that the more they unpeopled Ireland, the more rapidly the population would increase:—"Ireland, therefore, is no exception to the true principle of human exercise—a principle which, no more than the one that it opposes, can ever remain inert, and, like that, may be 'known by its fruits.' It dictates to the feelings, and prompts the exertions, of all who receive it. Demonstrably true, even as it respects Ireland, so it holds forth the most instructive lesson as it regards that country. It teaches those who have to do with its affairs, or who wish to dictate to and intermeddle with those that have, a far surer, as well as happier method, of serving and blessing that country, than either transporting the people, driving them from their farms, deserting them in their distresses, or diminishing their numbers by any plans of cruelty or oppression, ancient or modern. It proves the utter futility of all such attempts, and that the law of nature is universal; the same as it respects the Irish, and, indeed, all other people, as it was with the Israelites, who 'the more they were afflicted, the more they multiplied and grew;' and that the way of diminishing the fecundity of the Irish, is not by the creation of vacuums but by replenishing those already made, by the deserters and enemies of their country. As this true principle of human increase is understood and prevails, feelings of confidence in an all-sufficient Providence will be strengthened; and of cordial affection for our fellow creatures revived; and benevolence no longer paralysed by the influences of the contrary theory, will renew its wonted exertions in behalf of human beings, in the way God and nature have heretofore dictated and blessed. Even policy itself may at length be pleased to think, that what it never can, and nature perpetually does, regulate, may be regulated for the best; and dropping its dread of population, concede at length, that to do justly and love mercy, is the best and safest course for nations, as well as individuals; and that the surest way to preserve a people in peace and quietness, is to give them a permanent interest in the institutions of their country."

In corroboration of this principle, the noble earl stated a series of calculations, by which it appeared, that in the province of Ulster, where the population of Ireland was most dense, the number of inhabitants to every square mile being two hundred and fifty-one, the population from 1813 to 1821, had increased at the rate of eleven per cent; in Leinster, the next in density, the number to each square mile was two hundred and sixteen, and the rate of increase sixteen per cent; in Munster, the number to each square mile was two hundred and four, and the rate of increase twenty per cent; and in Connaught, the least in density, the number to each square mile was one hundred and sixty-two, and the rate of increase twenty-eight per cent. The making of roads and bridges was a mode of employing the population to a certain extent; but it must always be very partial in its effect. Neither did he consider it was much in the power of government to give relief to the unemployed poor. It must be sought from other sources. It was however in the power of individuals to do something; and he was quite sure that every noble lord who had property and influence in Ireland would see the necessity of spending some part of his income, in alleviating the misery of that part of the population who were upon his estate. The only way in which this misery could be effectually alleviated was, by giving occasional employment to those who were unable to procure it for themselves. It was notorious to every one who was acquainted with Ireland, that an overwhelming proportion of her population was totally without employment between sowing and harvest. This was a permanent evil, and totally distinct from those dreadful scenes which they had all witnessed in times of scarcity. But he had stated, that the only remedy for Ireland was to give employment to her population; and the only means by which this could be effected was the diffusion of capital throughout the country. It was anticipated by all those who advocated the Union, that the diffusion of capital throughout Ireland would be one of the consequences of that measure. But they had been disappointed; and why? Because Mr. Pitt had never been able to carry another measure, which there could be no doubt he contemplated. It was perfectly notorious, though he had heard it contradicted in that House, that Mr. Pitt contemplated the success of that great measure; and lord Camden had expressly stated, that the settlement of the great question of the Catholic claims was one of the plans of those persons who brought about the Union. Until all religious distinctions were removed, and that question was for ever set at rest, which had been, and would continue to be, the bane of Ireland, property would be insecure in that country, and her inhabitants would remain in their present unsettled and discontented state. And what had been the result? That no capitalist in his senses would trust his money in such a country. He would not enter further into this question, but he should not have done his duty to the miserable persons whose cause he was advocating, if he had not told their lordships that, until they did away with this irritation and discontent, they could do no good for Ireland; and that the only way in which these feelings could be expelled from the minds of the people of Ireland was to grant those concessions which they had so long pleaded for in vain. Any other attempt at ameliorating the condition of Ireland would, he was convinced, be mere vanity; because any other attempt would not afford that security to property which would induce capitalists to embark their property in the country, and this was all that Ireland stood in need of. The noble lord here read the evidence of Mr. James Cropper, which was to the effect, that not only was not English capital sent to Ireland, but that Irish capital was constantly transferred to England, in consequence of the insecurity of property in the former country. The noble lord said, he had been informed, that Irish capital, amounting to between 8,000,000*l.* and 9,000,000*l.* was at that moment invested in the English funds. Mr. Cropper also stated it to be his opinion, that the distrust arising from the Catholic question was the cause of this insecurity of property in Ireland; and he himself had been informed that very day, that there were millions of English capital ready to be invested in Ireland, as soon as that question was set at rest. Were their lordships then to be told, that the poor of Ireland had no interest in a question which, if settled, would procure them employment, and the means of comfortable subsistence? He trusted that British capitalists would not go to the remote corners of the world in search of investments for their money, while Ireland, standing opposite their shores, presented more inviting means of employing it to advantage nearer home. He would not fatigue their lordships much longer; but he must endeavour to bring under their consideration the fact, that in Ireland there was a large proportion of the population able and willing to work, but altogether destitute of employment. He trusted that their lordships would not refuse an inquiry into this subject, because it was surrounded by difficulties. He confessed that there were many difficulties in the way; but then he contended, that he had made out a case so strong as to justify him in calling upon their lordships collectively as a legislative body, and individually as landed proprietors, to agree to the appointment of a committee, before whom the evidence of persons best acquainted with the subject might be taken. In a pamphlet which had been lately published, and which was entitled, "A Report to the marquis Wellesley from Elizabeth Fry and John Joseph Gurney," it was suggested, as an expedient for the amelioration of the condition of the Irish people, that an extension of those establishments which existed in Dublin, but whose exertions had been cramped for want of funds—he meant the Mendicity associations — might be productive of much good. It was suggested, that by establishments of this nature, which should be supported by voluntary subscriptions, and aided, to a certain extent, by the government, the poor would stand some chance of being taken care of in sickness and poverty. He thought the suggestion worthy of consideration; but the point which he wished to impress upon their lordships was this—that, at present, there was no provision whatever for the poor of Ireland, except the bounty of their neighbours, and that there had been numerous instances of these unhappy persons having perished from actual starvation. The noble lord (Limerick) shaked his head, and said, that such things had happened in England; but, though such occurrences might now and then have happened in the metropolis and in towns, he defied the noble lord to show him the possibility of it happening in the country. By the evidence of Mr. J. Marshall, who had erected large works in Ireland, it appeared that hundreds flocked in to obtain employment; that many of them had not tasted food for two days; and that some of them were so weak, that he was obliged to feed them for six weeks before he could put them to work. He himself knew of a set of labourers who were put to work by subscriptions last summer; and among them there were some who were in such a state of exhaustion, from want of food, that the overseer stated that he was ashamed to set them to work.—As he had before stated, much good might be done by the due attention of the landowners, whether in or out of the country; and, if this applied to the able-bodied, did it not, in a ten-fold degree, apply to the aged and infirm? Though he had stated, and he was sure he was addressing no one who did not agree with him, that this was the duty of every landowner in the country, yet some of them did not perform that duty at all, while others performed it but very imperfectly. It was therefore his wish to see if some means could not be adopted, by which local contributions should be insisted upon from the landowners, in order to extricate their indigent fellow-creatures from destruction. He pledged himself to prove at the bar, if necessary, the misery endured at Abbeyleix, near the residence of a noble connection of his own, lord de Vesci; and he produced a paper which he styled part of the Annals of a Village, giving a detail of a number of wretched objects who had either died through want, or disease consequent upon it. These unhappy objects had been able just to crawl to the neighbourhood of that mansion, where they knew they should be relieved; but, from absolute weakness and sickness, had been unable to reach it. This state of things was not confined to one part of Ireland, for there were numbers of parishes where the inhabitants had expired in the open highway, from want of the common necessaries of life: "*panem et aquam natura desiderat*," but they had not even bread and water. Was it possible, then, that he was speaking in a civilized and Christian country, when, with these dreadful facts before their eyes, he was told that he was opening a shop of grievances? Why, Ireland had been a bazaar, well stocked with grievances for many years past. Was he speaking in an assembly of Christians? He had found their lordships, on a late occasion, very anxious to declare themselves Christians; and would they now see their fellow Christians starving? Would their lordships call themselves the followers of the benevolent Jesus, who taught them to feed the hungry and to clothe the naked, and who spent his whole life in going about doing good, when they refused to take this subject into their consideration, because it was opposed to the political notions of some persons? He could not believe that that House—consisting as it did of landed proprietors, many of whom derived the comforts, the luxuries, and the elegancies which they enjoyed, from the sinews, the bones, and the marrow, of these unhappy persons—would refuse to seek a remedy for the misery which oppressed Ireland, or hesitate to agree to an inquiry, the object of which was to discover that remedy. He had been able to give but an imperfect representation of the state of this unhappy people. Did their lordships believe the representation which he had made? Then let them grant the inquiry, as the only means of providing a remedy. Did their lordships think that he over-stated the case; that he had coloured the picture too highly? Let them bring it to the test of an inquiry. In either case, he was justified in calling upon their lordships to agree to his motion. He was quite sure that their lordships would not mis-spend their time, if they made an excursion to Ireland, and judged for themselves, on the very spot, of the amount of that misery which was endured by the Irish peasants. They would see the Irish peasant vegetating in a state of existence worse than that of any other human being on the face of the earth.

> "Oh we have ta'en
> Too little care of this! take physic Pomp!
> Expose thyself to feel what wretches feel,
> That thou mayest shake the superflux to them,
> And shew the heavens more just."

The noble duke at the head of the administration had not, he was sure, forgotten the services of that people, to whom he was greatly indebted for the composition of those armies which, as a soldier, he had so often led to victory; and now that the noble duke was the prime minister of the country, surely he would leave no means untried, to alleviate their distress, or hesitate to have recourse to the measure which could alone effect permanent good to Ireland. He would now move, "That a Select Committee be appointed to inquire into the State of the Distressed Population of Ireland."

The Earl of *Limerick* rose to oppose the motion, as he was apprehensive that the whole end and purpose of the noble lord, was to introduce the Poor-laws into Ireland; than which no measure could be more pregnant with mischief. He would appeal to the noble lords around him, many of whom were well acquainted with Ireland, whether they recognised any similitude to the original, in the highly-coloured caricature which the noble mover had presented to their view? At the opening of his address, the noble lord had stated, that it was not his wish to import the Poor-laws into Ireland, in the full rigour in which they were administered in this country; but the noble earl's speech, like many other noxious things, carried a sting in its tail, and closed, by boldly avowing that he wanted a general assessment of the property in Ireland, for the maintenance of the poor. The noble earl had described people falling down in the streets and highways for mere want of food; but the same thing not unfrequently happened in England, and could form no sufficient reason for inflicting the system of the Poor-laws upon Ireland. In pleading the cause of Ireland, the noble earl seemed not to have forgotten England, and with considerable dexterity had angled for the support of noble lords especially connected with the latter. Among other matters, he had spoken of emigration from Ireland to England. Did the noble earl mean to say, that the Irish were not to be permitted to seek employment in this country? Was the unhappy wretch to be stopped on his first landing, and sent back again? Were the parish officers to tell him, "You carry want and misery on your front; you must not come here to pollute our shores—go back. It is true there was a union of the two countries, but it was only a paper union; so return and starve." No less than seven millions had been raised last year in England under the Poor-laws, and the litigations for removals and settlements had cost 600,000*l*. Did the noble earl imagine, that, by any inquiry, he could render such a system palateable in Ireland? Let the Poor-laws be once established, and the Spencean doctrines would flourish in full beauty and vigour; the misery, now partial, would be extended over the whole country, and felt by all classes; Ireland would wear one face of woe, and the lines of the poet would be verified:—

> "We all are equal; for my lot is thine;
> That is your resting place, and this is mine."

Property would soon become common; no man would work, because he could live without it; the Irish peasant would eat, drink, and sleep, and do no labour, but in the vocation of producing children. The noble earl, with great gallantry, was willing to devote his Irish property to destruction; but did he not recollect that his ancestors, the people of England, from the reign of Elizabeth to the year 1783, were employed in increasing the poverty in Ireland? Had it not been, during that long interval, one continued scene of aggression? The great lord Strafford was the first to establish a manufacture in Ireland, and he had written to a minister of state in England, that he would take care to repress the rising energies of trade and manufactures; for although he had given the Irish a slight manufacture of linen, which would employ a few, he would adopt measures to prevent its increase, as well as the introduction of the woollen manufacture. The successor of that noble lord pursued the same plan; wool was grown, but it was not allowed to be manufactured in Ireland, and its export was not permitted excepting to England; while cattle could not be sold here on account of the effect of competition on the price. The introduction of the Poor-laws would amount to a positive confiscation of property. Instead of burthening Ireland with new taxes, the noble lord should employ himself in devising means of making the people industrious and contented. One plan had, indeed, often been mentioned with approbation by the noble earl, as a remedy for all evils; it was what had been called communicating to the people of all religions equal rights; but how would that put an end to poverty? He was satisfied, that in no country of the world more genuine charity existed than in Ireland; but nothing was more likely to chill it than the threat of a compulsory levy for the maintenance of the poor. But the noble lord was anxious to introduce the Poor-laws for the sake of the aged and infirm, and precisely the same benevolent intention was expressed in the famed statute of Elizabeth; but if the poor, as they ought to have been, had been provided for at that time out of the revenues of the convents, the country would not have been infested by banditti. The noble earl had complained that there was no provision in Ireland for the infirm and aged; but he held in his hand a statement regarding the poor-house of Limerick, by which it appeared that the revenues last year amounted to 1882*l.* 6*s.* 5¼*d.*, and that the number of poor relieved was one thousand and eight. There was scarcely a parish in which a dispensary was not established. The people, therefore, were not in such a state of helpless destitution. It was impossible for government to do every thing: they had already done much: they had employed the people, in great numbers, upon roads and bridges—not, indeed, at the expense of the public, but by advances which were subsequently repaid. Being satisfied, therefore, that a modified poor-rate, under the statute of Elizabeth, would end in accumulated taxation, and in inflicting upon Ireland the evil under which this country was writhing, he would oppose the motion.

The Earl of *Longford*, in opposing the motion, hoped it would not be understood that he meant to deny the existence of great distress in Ireland. He believed that much distress did exist in that country, and he should be most happy to lend his aid to any plan which seemed calculated to remove it. His reason for opposing the motion arose entirely from his conviction, that the provision which the noble earl seemed inclined to propose would not have the effect which he hoped would arise from it. Considering the impracticability of applying to useful purposes such a measure as the noble earl contemplated, and believing that if general relief were granted, the mischief occasioned by it would be infinitely greater than any good that it was likely to effect, he trusted their lordships would not sanction it. He knew not how it was possible for their lordships to devise any suitable or practicable relief. The circumstances of the country were so complicated—the objects to be inquired into so various, that he thought it would be impossible to come to any practical views with reference to it; and he was perfectly sure, as no favourable result was likely to attend the proposition, that if it were acceded to, it would produce disappointment and agitation. The noble earl appeared to think, that the misery of Ireland was mainly to be attributed to the failure of the Popery question. This was one of the many nostrums which were put forth for the tranquillization of Ireland; but like other boasted specifics, it would not produce the supposed effect, if recourse were had to it. Respecting as he did the motives of the noble earl, he still felt himself compelled to differ from him in opinion as to the utility of his motion.

Viscount *Lorton* said, that with his knowledge of the noble earl's being one of the best absentee landlords—but still an absentee—he could not help considering much of what the noble earl had advanced as theoretical, and therefore to be received with due caution. He concurred in the correctness of the statement, that much misery existed in Ireland; but in the noble earl's explanation of the cause of that misery, he certainly could not agree. He therefore should state his opinion on the subject as clearly as a long practical experience would enable him. It was not necessary for him to enter into a view of the general state of Ireland: such an examination would open a vast field of discussion, and he should therefore avoid it. The whole bearing of the present discussion might be compressed into one narrow point—the extreme poverty and distress of the people of Ireland. Many causes were assigned for that distress, and numerous recipes were prescribed for the cure of the disorder. Their lordships had heard of one that evening, which, year after year, had been brought before the legislature—he meant that which was most erroneously called Catholic Emancipation. Now, he could not see how such a measure, if carried, could give relief to six or seven millions of people. The more the subject had attracted his attention, the more he felt satisfied, that if those claims were conceded the miseries of Ireland would be increased, and the chains of her slavery rivetted. He imagined that there could be but one opinion on the character of Popery as it existed in the darker ages; and if it had prevailed in England to the present day, this country never would have reached the station which she at present held among the nations of the world. Taking this position for granted, was it the wish of any party to keep the population of Ireland in that state of degradation which forwarded the views of those who were unable to value the glorious struggles of England for the establishment of her constitution? He requested their lordships to take a cursory view of the present condition of different parts of Europe. In Switzerland, where the same civil rights were enjoyed by all, some of the cantons were Protestant, and some Catholic: in the former all was industry, comfort, and cleanliness—in the latter, every thing presented an appearance the very reverse. How was such an extraordinary phenomenon to be accounted for? It could not be said that it was the effect of penal laws, for no penal laws existed there, except those which Popery enacted, and would enact wherever it was the predominant religion. Let their lordships look to the beautiful garden of Italy: they would there see the wretchedness and misery endured by the cultivators of as fine a soil as any in the world. In short, as they approached nearer to the head-quarters of the Roman pontiff, they would be the more struck with the deplorable state of the country; until at length they beheld the *fac simile* of Irish distress, Irish cabins, and Irish disease. It was the same in every country where the Catholic religion was allowed to take its full swing. In his opinion, the man could not be considered a true patriot, who, by procuring this emancipation, as it was incorrectly termed, would run the risk of reducing his country to that state of slavery and degradation from which she had freed herself.—He should now draw the attention of their lordships to the situation in which Ireland was placed at present. A parliament was allowed to sit unmolested in Ireland, under the auspices of the Catholic clergy, who sent out orders to every man of their persuasion, rich and poor, high and low, to act as that self-elected body desired them. That mandate was obeyed; for none dared to resist it. Such a system must be crushed: and the sooner it was done the better. The Irish Catholics were, in fact, in a state of bondage: they paid a blind obedience to their priests, unknown in other countries. Those priests sent out their tracts against reading the Bible, and vented their feelings against all who did not blindly approve of their proceedings. In truth, the effect of the existing system was to drive Protestant gentlemen and Protestant property out of the country, and to keep in a state of disquiet and alarm, all those who did not choose to submit to the arrogant domination of this Catholic parliament, and its great supporters, the Catholic priests. And here he could not avoid noticing the striking contrast which existed between the Roman Catholic clergy educated abroad, and those educated at Maynooth. The former were generally well-affected to the government. What the conduct of the latter had been it was unnecessary for him to describe. He would say, viewing all these circumstances, that if it were wished to perpetuate the misery of Ireland, let the legislature grant Roman Catholic emancipation; for, by such an act, they would establish that *imperium in imperio* which he had spoken of, and they would, more than ever, encourage the Catholics to rise up against their Protestant fellow-subjects, whom they were taught to call heretics, and to look upon as persons with whom no faith was to be kept. This was a fact known to every gentleman conversant with the state of that country.—He might be asked, what remedy he would recommend? His remedy was simply to give employment to all who were in want of it. That course would effectually do away with the necessity for all those emigrations from Ireland to this country, the object of which was that the persons so coming here might pick up a few pounds for the support of their families, who, during their absence, were sent round the country to beg. This was a horrid system, and occasioned the most lamentable demoralization. Now, in what manner could the employment which he proposed be afforded to the people? He would say, by the establishment of a sufficient fund, which might be raised by a general land and absentee tax; which should be expended, under proper regulations, on the improvement of the country where the money was collected. Such a plan, if adopted, would prove of material benefit to the country. In the course of a short time it would alter the habits of the people, and render Ireland, what it was not at present, a desirable place to reside in. He entreated ministers to act in a firm and decided manner towards Ireland, and not to attempt any thing by half-measures, or by what had been called conciliation. That had been tried over and over again, and had constantly failed. Let something be done for the poor; and, without ceremony, let an extinguisher be placed on the Popish parliament. Then, and not till then, emancipation, in its true sense, would be gained by the Roman Catholic population. Before he sat down, he begged to draw their attention to a report laid before the guild of merchants of Dublin, on the 22nd of February, which contained a most accurate representation of the present state of Ireland. It proved clearly, that the wealth and the strength of Ireland were essentially Protestant, and not Catholic, as the demagogues would fain make the world believe.

The Duke of *Wellington* said, that before he proceeded to the question, he begged to assure their lordships that he was thoroughly convinced, that no part of his majesty's dominions so imperiously required the particular attention of his majesty's servants as Ireland did. The noble earl had stated, that there were in Ireland eight millions of people, the situation of six millions of whom demanded inquiry. He had told their lordships likewise, that all the wealth of Ireland was not sufficient to give employment to those people. Now, certainly, he could not but think that this was an exaggerated statement. It could not be the fact, that there were six millions of the Irish population who required employment: but he could see no use for an inquiry into that part of this subject; because it was well known, from the evidence which the House already had before it, that the poor of Ireland did suffer very considerable distress. But, it was not true that they suffered this distress at all times: it was not true that they suffered the same degree of distress in different years; but it was unquestionably true, that they did suffer great distress at various periods, owing to the casualties of the seasons, and to the particular species of food on which they subsisted. The noble earl had stated, that the people were able to procure that sort of food at three farthings a stone. Now, really, if those six millions of people could get provisions at that price, in favourable seasons, it did appear to him, that the case hardly called for inquiry, unless at a period when their food failed, in consequence of an unproductive season. No inquiry was necessary to prove that this was the real state of the case. They had the fact already before them, in a variety of statements made by persons of authority; and there could, in truth, be no doubt about the matter. But then the noble earl asserted, that the distress arose from want of work, and that it would take more than all the wealth of Ireland to procure employment for the people. "Let us, then," said the noble earl, "relieve the sick, the lame, the aged, and the impotent." Now, he believed it was true, as had been stated, that the gentlemen of Ireland had already subscribed largely for the relief of persons of that description. It was likewise true, that with all that could be done, when there was a great pressure of distress, it was utterly impossible for those gentlemen, however anxious they might feel on the subject, to relieve the whole of that distress; and the consequence was, that those shocking circumstances occurred to which the noble earl had so feelingly referred. But he would ask, did the noble earl intend to confine relief to the sick, the lame, the aged, and the impotent? Because if so, that relief would go a short way indeed to alleviate the extensive misery arising from want of employment. But another observation which he begged leave to make, resulted from the state of the poor in this country. The Poor-laws here were applied to, for the purpose of supporting able-bodied men, in numerous instances. The poor-rates were made applicable to that purpose, and much of the burthen was attributed to that part of the law, which required that work should be furnished to able-bodied men. This could not always be found; but still the system of relief must be persisted in, because, if work were not furnished to able-bodied men, and if no food were given to them, those able-bodied men would soon become sick, and declare on the parish. Now, he would ask, what the consequences must be, if a burthen of this kind were laid on property in Ireland—if the necessity of finding food for the sick, and not for the able-bodied, were imposed on that country? Why, the consequence would be, that nobody would work; and, when want of sustenance induced sickness, the people would at once come on the rates. —The noble earl had said, that one of the great evils of Ireland was want of capital; but he must tell the noble earl, that profusion of capital alone would not prevent the existence of a numerous body of poor. With the state of the poor in Ireland, their lordships were thoroughly acquainted. The opinion of Mr. Frankland Lewis, and of other acute individuals, examined before their lordships, was perfectly well known. Those gentlemen had stated, that the Poor-laws, as they existed in this country, or in Scotland, were not applicable to Ireland. Why, then, should they go into a committee, to have the same opinion stated over again, and probably by the same persons? It would only agitate the public mind; and, unless the noble earl laid down some practicable plan, it would be much better to avoid the inquiry.

The Earl of *Mountcashel* opposed the motion. He observed, that the Catholic rent was principally collected from the poorest of the people, and if relief were generally extended to them, it would only enable the Catholic Association to take more money out of their pockets. He also opposed it, because it would tend to depreciate the value of land in Ireland; which already did not fetch more than half the price that it fetched in England. The people of Ireland did not require so much relief as was imagined: they were more prone to idleness, and were more easily satisfied than the people of England: give them their potatoes and their dirty cabins, and they thought they had got enough. With regard to the sick and aged, the bounty of private individuals had raised up numerous dispensaries, hospitals, &c. for their relief.

The Earl of *Darnley* said, that perceiving the feelings of the noble duke, and that they were concurred in by many noble lords connected with Ireland, he felt that he ought not pertinaciously to press his motion. He had not a better opinion of the Catholic religion than other noble lords opposite; but he did not think that a constant vituperation of that religion was the way to conciliate the people of Ireland. He could not think that religion the source of the evils of that country, when he saw the flourishing state of the Netherlands, where it also prevailed. He wanted to institute an inquiry, to see whether they might not give relief by increasing the state of the security of property there. He was opposed to the system of coercion which some noble lords seemed inclined to recommend; and he hoped the noble duke would not listen to their recommendations; for such a course would throw Ireland into a flame, and aggravate the evils she already suffered.

The motion was negatived.

HOUSE OF COMMONS.

Thursday, May 1.

Wages.] Mr. Alderman *Waithman* presented a petition from the Silk Weavers of Norwich, complaining of the grievances resulting from the reduced state of Wages in that city, and suggesting, as a remedy, the appointment of a committee, composed of masters and workmen, for the purpose of fixing an established rate of Wages. As far as the grievances went, he concurred in the statement of the petitioners; but with respect to the remedy which they proposed, it was his decided opinion that nothing could be more mischievous. The master manufacturers were willing to give good wages when they were able to do so; but their ability depended on the state of the trade. At present, the balance of trade between England and the continent was decidedly against us. Our imports of French silks amounted to a million and a quarter, while our exports did not exceed a million. Large portions of individuals were suffering deeply from this state of things. He trusted that the House would appoint a committee to inquire into the mode by which substantial relief might be most advantageously afforded.

Mr. *Wodehouse* trusted the House would pay the attention which was due to so important a subject.

Mr. *Bernal* said, that the subject deserved the serious attention of parliament. All that the petitioners required was, that the masters and men should be empowered to meet for the purpose of arranging the rate of wages.

Mr. *Fyler* deprecated the application of abstract principles of policy in cases in which the general interests of whole classes were concerned, and was favourable to the appointment of a committee.

Mr. *W. Smith,* while he was quite sensible of the grievances under which the petitioners laboured, was quite as adverse to the proposed remedy as the worthy alderman. He was convinced, that any legislative interference between the masters and the workmen would be productive of the most injurious consequences.

Mr. *C. Grant* could not bring himself to believe, when it was confessed by the petitioners, that they were receiving from 15*s.* to 20*s.* a week for their labour at the loom, that they were in a state to challenge the commiseration of the House. The proposition contained virtually in the petition, was to establish by law a minimum of wages; a proposition which had been decided by committees of the House to be inadmissible in principle, impracticable in point of fact, and, if practicable, pregnant with fatal consequences to the manufacturing interests. If such a principle of legislation had been adopted for the last thirty years, would the cotton-manufactures, as well as various others have attained their present state of perfection? Under this impression, he could never consent to be a party to a project for fixing the rate of wages.

Mr. *Monck* thought it was the duty of parliament to interfere in all such cases of distress and oppression as that pointed out in the petition. The House had often legislated upon the principles on which the petitioners proceeded. It had passed a bill to prevent masters from paying their workmen in provisions or in kind; and a very humane bill to regulate the number of hours in the day during which children should be employed in manufactories. Parliament ought to be studious to keep the people at the highest standard of existence; and that could be effected only by high wages. Where wages were high, the revenue would be great, and the people more moral and happy. Ireland and Scotland were proofs of the truth of his position. Ireland, with a population of between six and seven millions, paid but little more of revenue than Scotland, the population of which was only two millions. This was, because, in Ireland, wages were reduced to their minimum. If the manufactures of England were to compete with those of the continent, it would be impossible for the labourers to get much higher wages than were paid in other countries. But it was desirable that the price of labour should be raised as high as possible without bringing the manufactures of this country into a disadvantageous competition with those of other nations. It should be recollected, that 12*s.* in England was not equal to the same sum in France. If it was impossible to raise the price of labour, the House might do what was tantamount to it; namely, cheapen the price of provisions by a moderate Corn-bill. The immense weight of taxation ought to fall more equally upon the shoulders of the different classes of the community. The taxes at present fell more heavily upon labour than upon land, or the profits of trade. This was the more severely felt, as the wages of labour were exposed to a species of competition from Ireland and Scotland. Whilst a protection was given to the agriculturists by the Corn-bill, the labourers were left unprotected, from the competition he alluded to. In this country undue favour was shown to the landed interest. The revenue of England was about fifty-two millions, and the sum raised by the land-tax was only two millions; in France the revenue was about thirty-six millions, and the sum raised by the land-tax was twelve millions. Whilst the landed interests in England were so unequally taxed, they ought not to have the protection of such a Corn-bill as that which ministers were carrying through the House.

Mr. *J. Wood* said, that the poor man's labour was his all, and that whatever concerned the price of wages was deserving of the attention of the House. He thought that a committee ought to be appointed, as its report might be useful in clearing up the delusions under which the manufacturing poor laboured, with respect to a minimum of wages. He wished that the report of the former committee might be reprinted and dispersed among the manufacturing poor, in order to dispel the erroneous views under which they laboured. He could trace much of the distress among the manufacturers to the tax upon bread, produced by the Corn-laws. If the House could not make wages high they might make bread cheap, which would amount to the same thing.

Ordered to lie on the table.

CUSTOMS AND EXCISE LAWS—RECOVERY OF PENALTIES UNDER.] Mr. *D. W. Harvey* said, that in rising to make the motion of which he had given notice, he could not conceal his regret at the information which he had received, of the intention of his majesty's government to oppose the proposition with which he intended to conclude, because he felt it was obligatory on him to enter on those statements which could not fail to trespass largely on the time of the House; and he still the more regretted it, as it was one of those subjects which abounded in dreary details and cold calculations, around which it was impossible to throw the charms of language, or the ornaments of eloquence. With the assurance, however, of being as brief as possible, and bearing in mind that the subject was of deep interest to the country, he should calculate on the indulgent attention of the House. He not unfrequently wished that a rule prevailed, if not by positive prescription, at least by implication, that every hon. member should be bound to make himself master of all those documents to whose production he was chiefly instrumental; for it would have the beneficial effect of diminishing useless returns, and of imparting valuable information. At present, the only labour was the motion; the result, expense to the country, and unread tons of printing. He had felt it his duty to pursue this course in regard to the returns now before them, and he flattered himself he should be able to possess the House of their more prominent contents; and to make himself the more intelligible to the learned Attorney-general; and, the better to enable him to understand his case, and to reply to it, he would in the outset advance the propositions which it was his object to inforce.—In the first place, then, he contended that the resources of the country were culpably expended in needless prosecutions; that the power of the law-officers was unjustly exercised, in the prosecution of the innocent, in the oppression of the unintentionally guilty, and in the undue punishment of those who were designedly criminal; that the cause of all this was to be traced to the absence of defined responsibility; and that the effect of the whole was, the multiplication of prosecutions, for no other purpose, and producing no other effect, than the inordinate aggrandisement of a few rapacious lawyers.—Within the last five years, the number of informations filed at the instance of the Attorney-general (he did not allude to any individual, as the law required the informations to be filed in the name of that officer) was one thousand eight hundred and fifty-one; nine hundred and forty of these were for the recovery of penalties under the Customs-laws, and nine hundred and eleven were for the recovery of those under the Excise. The object of these one thousand eight hundred and fifty-one prosecutions was, the recovery of sums of money amounting to 1,038,709*l.* This sum was distributed in equal portions in the two departments of Customs and Excise. Of nine hundred and eleven prosecutions filed at the instance of the officers of Excise, six hundred and twenty-four were alone successful; and of nine hundred and forty informations filed at the instance of the officers of the Customs, only two hundred and eight had been productive of any pecuniary advantage to the country. He begged the House to understand, that the informations had not been defeated by verdicts of juries; that it was not from any legal impediments that they had produced no pecuniary benefit to the Crown. Seven hundred and thirty-two of the informations filed at the instance of the officers of the Customs were not successful, and two hundred and eighty-seven of those filed at the instance of the Excise shared the same fate, making in all, one thousand and nineteen failures out of one thousand eight hundred and fifty-one; or, in other terms, more than one half of the cases prosecuted produced no benefit whatever to the country, though they yielded an enormous profit to the individual officers who instituted them.—He would state to the House what had been the pecuniary result of these informations. Of the 1,038,709*l.*, the aggregate sum sought to be recovered, the total sum received was only 137,826*l.*, being little more than 2*s.* 6*d.* in the pound. So much for the discretion of the public officers, who instituted those fruitless proceedings!—The cases of prosecution under the Customs-laws were just as bad. The amount sued for was 538,709*l.*, the sum recovered only 23,535*l.* By the returns before the House it appeared, that of the principal sum, exceeding one million sterling, which it was the object of those one thousand eight hundred and fifty-one prosecutions to recover, only 157,826*l.* had been received; and the House would naturally expect, that a considerable portion of it had found its way into the national treasury. Not so, however, was the case. It appeared, and the House would hear the astounding fact with astonishment and indignation, that after paying 45,897*l.* to that wretched tribe of locusts who paraded the country to fabricate frauds, and to entrap the unsuspecting trader, not only was the intire residue absorbed by the rapacious grasp of those who suffer nothing in the shape of money to elude them, but the country was brought in minus, or as debtor to the Crown lawyers, in the sum of 28,414*l.* In illustration of the system of the intensity with which costs were pursued, and the penalties were disregarded he would state, that it appeared that sixty-three informations had been filed to recover sums of money under 50*l.*, that only 378*l.* had been recovered from the whole, and that the country had to pay for costs 9,577*l.*; and that, on an average, no prosecution was brought into the court of Exchequer for a penalty, however insignificant, which did not inflict on the country the charge of 172*l.*—And now that he was on the subject of costs, he would invite the attention of the House to a few prominent items; all of which might be lessened, or totally spared. It appeared that 20*l.* on an average was paid in each cause to a person called a clerk in court. There were six of this ambiguous genus, who had little else to do than to charge and receive their fees. One of these persons died the other day, whose income amounted to 4,000*l.* a year, and who had not been near his office for some years. This office, he submitted, might be usefully abolished. There was another single item. It appeared that, for the decision of twenty-two causes, three hundred and seven jurors had been sworn, making fourteen and a half jurors for each cause to be tried. There was a time when an Exchequer juror received 40*s.* when a verdict was given for the Crown, but in the event of an adverse verdict, he was curtailed in the sum of 20*s.* He was glad, however, that this regulation was done away with. The juries thus summoned and sworn were regularly paid, although no more than twelve men could be impanelled to try each cause. The Attorney-general might, perhaps, be able to explain this; but, to prevent mistake, he would refer to the bill on the table. In the case of the Attorney-general against Brazier, there was an item, "twenty-three jurymen paid 24*l.* 3*s.*" There were other cases in which there had been sworn and paid twenty, eighteen, fifteen, thirteen, sixteen, nineteen, seventeen jurymen, and so on. This, he conceived, was a most serious hardship on the public. Indeed, he thought the fee to jurors in Crown cases might be dispensed with altogether; because every man was interested in upholding the just rights of the revenue.—There was another point to which he begged to direct the attention of the House: he alluded to the fees of barristers. In all Exchequer cases there was arrayed against the defendant an army of lawyers, who looked steadily to their fees. It might be that they took these fees from a disinterested wish to discharge their duty; but those who knew the profession must be aware, that there was no stimulus to that eloquence, of which the bar appeared to be the exclusive monopolists, equal to a fee. In several of the cases before him, he found the fees on the Crown side amount to 52*l.* in each case. This he conceived a most oppressive tax on the public, and one which called for revision. One bill showed, that the law-officers of the Crown were sometimes paid, not so much for their services, as for staying away—that they were paid for many briefs which they never read, and causes which they never attended; in a word, that they received fees, where the Crown was a party, without any labour. In all causes, however trivial, no less than four counsel were employed on the part of the Crown. In the bill before him they were stated as follows:—"The Attorney-general ten guineas, the Solicitor-general ten guineas, Mr. Clarke eight guineas, Mr. Walton, 4*l.* 6*s.* 6*d.*" The bill of costs which he had just mentioned was in a case where the briefs of the four counsel for the Crown extended only to eight sheets; while Mr. Jervis, who was engaged on the other side, and whose brief amounted to nineteen sheets, received only five guineas. —Having touched on two material points—the clerks' fees, and the fees of counsel—he wished to say a word or two as to the expense of witnesses. When the cause of action originated at a distance, and the witnesses resided in the neighbourhood, it ought to be tried at the assizes. But then this would not suit the Crown-lawyers, who, with all their boasted disinterestedness, were peculiarly keen-scented in pursuit of their own emolument. It appeared that, in a recent case, the expenses of bringing the witnesses from Newcastle amounted to 386*l.*, while, had the cause been tried in the county, at least 300*l.* would have been spared. Now, a word or two with respect to the severity of these prosecutions. He found that in five cases execution had been issued as follows:—In the first case, for 106*l.*, only 6*l.* was recovered by the sale of the defendant's property; in the second case, for 151*l.*, the amount received was eleven guineas; the third was for a sum of 325*l.*, where 3*l.* 2*s.* 1*d.* was recovered; a fourth case was an execution for 141*l.*, where the levy was 17*s.*, with a return that there were no further effects; and they had on their table a petition, in which it was stated, that an Exchequer process had been issued, and a man's property sold, for 12*l.*, and that the solicitor's bill amounted to 140*l.* He would ask the House, whether it was fit that distress should be made the sport of merciless litigation, merely to enrich the lawyers and to degrade the law? Were not these cases which called for control? He was aware they would be told, that no proceeding could be filed by the solicitor of the Exchequer until the whole question had been laid before the board of Excise or Customs, and that all proceedings must be instituted under their direction, and proceeded in under their supervision. Now this proved one of two things—either that there was a culpable negligence on the part of the commissioners, or else the powers vested in them were insufficient; for, would any one venture to assert, that an efficient supervision was exercised in Exchequer prosecutions at present? Would any one venture to assert, that the solicitor who was unsuccessful in half the cases he undertook had a right to demand his expenses for cases of his own instituting? He had before him a case of peculiar severity and hardship: it was that of captain Bryant, who commanded a vessel in the Surinam trade. It was regulated, by the Navigation act, that a penalty of 200*l.* should be incurred in every case where there appeared a variance between the manifest and the ship's cargo. It appeared, that capt. Bryant, after having taken in his cargo, was applied to to take on board forty-five casks of pepper: he found it was impossible to take the casks on board, but consented to find stowage for the pepper if it was shipped in bags. The pepper was shipped in that form, but it had been previously entered in the manifest as shipped in casks. The captain explained this to the proper authorities here; and so clear did the matter appear, that he was allowed to amend his manifest and correct the mistake. After another voyage, the first thing that met him on reaching England, was a process from the Exchequer, which was brought to trial. A most respectable house in the city memorialised the Customs, and represented the case as it really was; and after several attendances the memorial was rejected, without any reason being assigned. A second application was made; and the answer made by Mr. Carr, the solicitor to the Excise, was, that no offer had been made by the defendant, but that his case would be again considered. Application succeeded application, and each was rejected with disdain. There was a feature in the proceedings of these public boards, on petitions, which called for the loudest reprobation. No innocent man could obtain redress, who did not begin with a false-hood. Guilt was the first object of their veneration; a man must disrobe himself of character to be respectable with them; penalty and innocence must go hand in hand, and he who vindicated his integrity must pay the forfeit of oppression. Captain Bryant resisted this indignity, and proceeded to trial. The case went into the Exchequer, and when the amended manifest was tendered in evidence, the chief baron refused to receive it, on the ground that the commissioners of Excise had no power to allow it to be amended, and a verdict for the full penalty of 200*l.* was recorded. The captain tendered a bill of exceptions; and after having been driven about from court to court, it was at length agreed, that he should pay the costs of the whole proceeding, no penalty being demanded. The costs of this ill-used man exceeded 250*l.* Many instances of similar hardship might be given; but he would forbear to press them, for the oppressive character of this court was known to every man who was not deaf to abuse, or thriving by it. He expected to be told that a salutary remedy against expenses had been recently introduced, by giving the magistrates a summary jurisdiction in these matters. He, for one, totally dissented from this impression; he regarded every measure which enlarged the power of the magistrates as a dangerous innovation on the trial by jury; and least of all did he approve it in the administration of laws so arbitrary and conflicting as those of the Customs and Excise. He would detail to the House a specimen of the working of this magisterial system, and he appealed to the hon. member for Essex near him, in confirmation of his statement. He alluded to the case of William Stock, who keeps a free road-side house at Stebbing, in Essex. This honest, but ill-used, man was summoned on the afternoon of a Saturday, before a bench of clerical barons, who held their court of exchequer at Dunmow, to answer the charge of an exciseman, for tunning a parcel of beer without first entering the same in his day-book. No day was mentioned in the summons, nor indeed was the transaction —all was painful conjecture. The oath of the informer was rubric with the magisterial parsonocracy, and poor Stock, in spite of all remonstrance, and of an honest name, was fined 50*l.* He paid the money, but the charge hung heavily on his heart. Restless under unmerited accusation, he resolved on the vindication of his character. He felt he was innocent; he knew his accuser was guilty of perjury; and he risked the little accumulation of an industrious life in the maintenance of his honour. Peachy, the officer, was tried at Chelmsford for the foul crime of perjury; and, in spite of the law-learning, and of the silk gowns arrayed on his side, the omnipotence of truth, aided by one intrepid counsel, prevailed, and the *protegé* of the clerical barons of Dunmow was declared guilty of perjury! And what had the officers of the Crown since done? Returned to honest Wm. Stock his fine and his costs? No: they had stretched their ingenuity to find a flaw, and had moved to set the verdict aside; not because the evidence against him was untrue—not for any misdirection of the judge—not because any material witness was absent—but because Stock was described in the indictment as a brewer, he being in fact a victualler; and it was to protect a miserable wretch of this sort, that the public money was spent, and the dignity and talent of the bar abused. He trusted that the memorial which had been sent to the Treasury in behalf of this much-injured man, signed by all the respectability of his neighbourhood, and speaking of him in terms of which greater men might be proud, would be successful, and that he would be reimbursed the 300*l.* he had nobly spent in defence of his fame and happiness. He must observe, that the deciding on Excise-laws was not the duty of a Protestant clergyman; nay, he would go further; and say, that when such a person became perfectly competent to decide on an Exchequer case, he might with advantage be appointed to the office of attorney-general, but he from that moment was rendered unfit to discharge the sacred duties of his office as a Christian teacher. —If he had clearly explained what he meant to state, he thought he had made out a case which called for a more efficient control in the management of these causes, and therefore a case for inquiry. He had avoided making use of names as much as possible. It was the system with which he found fault, and not those who acted under it. His opinion was, that these proceedings should be directed by an officer of adequate responsibility, and that such office should be open equally to all parties, in order that even-handed justice might be dealt out to all. It was far from his intention to protect any persons who might be found to have wilfully violated the law. Let such persons be visited with the necessary punishment, but let that punishment be appropriate, and not regulated by the rapacity of cost-making solicitors. Let the law be so framed that, while it visited the delinquent, it might be found the shield and protection of the unoffending—The hon. member concluded by moving, "That it is expedient, that an efficient control should be appointed over the origin and conduct of all proceedings instituted by the Crown for the recovery of penalties under the Customs and Excise Laws."

The *Attorney-general* said, that the hon. gentleman had stated the subject and arranged his case with great clearness and ability; but as he was not acquainted with all the facts to which the hon. gentleman had alluded, he trusted the House would not impute it to any want of respect, if he should omit to notice any point in the statement they had just heard. The hon. gentleman began by taking the two branches of the Excise and the Customs, the union of which he had described as productive of no good to the revenue. He had stated that government was still subject to the payment of 12,000*l.* costs over and above the amount of the penalties received. Now, he thought the House would agree with him in thinking, that 12,000*l.* a year was not a very extravagant sum for the protection of a revenue amounting to 43,000,000*l.* The Excise-laws embraced all points connected with the internal policy of the country, as arising out of its ordinary trade and manufactures; and the Customs-laws, all points connected with its commercial policy as arising out of its imports and exports. They embraced all points connected with the revenue and the Navigation laws,—they embraced every statute, every question, every doubt, arising out of treaties, acts of parliament, and usages of commerce; and, though such was the case, the complaint of the hon. member was, that in protecting a revenue of forty-three millions, we expended 12,000*l.* The hon. member asserted, that this was a large sum to expend for such an object. He differed from him, *toto cœlo*, upon that point. He said, that the protection of the Excise and Customs-laws was cheap indeed, if it did not cost the country more than 12,000*l.* a year. The next assertion of the hon. member was, that the litigation occasioned by the prosecutions for infraction of the Revenue laws tended very much to the propagation of costs; that such prosecutions, however they might begin, were almost certain to send in a frightful amount of costs and penalties; and that they operated, in consequence, unequally, and oppressively upon the suitor. In support of this assertion, the hon. gentleman cited the number of prosecutions for the Customs and the Excise. The Customs, he said, were 940; the Excise 911; making a total of 1,851. Of these the hon. gentleman said, there were one thousand unsuccessful, and only eight hundred and fifty successful; and, therefore, he drew the inference, that there must have been one thousand prosecutions improperly instituted. If the Crown had brought these one thousand prosecutions before the court of Exchequer and had lost them, this argument would have some weight; but when the House was informed, that these prosecutions had not been either lost or abandoned, but that, on the contrary, the Crown had been successful in almost every one of them, he conceived that the hon. gentleman was totally mistaken in his conclusion. Let them look to what had occurred in the department of the Excise, in 1823. The Crown brought into the court of Exchequer two hundred and thirty-five cases: in fifty-nine cases it obtained verdicts; in three the defendants were successful; and in a hundred and seventy-three, compromises were made in court before trial. In 1824, out of the informations filed in the same court, the Crown obtained sixty verdicts, the defendants two, and a hundred and forty-seven were compromised before trial. In 1825, out of two hundred and fifty informations, the Crown lost verdicts in eight cases only. In 1826, out of a hundred and twenty-seven, it lost two; and in 1827, out of a hundred and sixty-three, it lost three. In the five years he had mentioned, nine hundred and ninety-nine cases had been set down for trial, and in eighteen only had there been a failure on the part of the Crown to obtain a verdict. He thought that, after what he had stated, the observations which the hon. member had made upon the improper and oppressive conduct of attornies and solicitors general should be taken *cum grano salis*. He thought that they ought to stand well with the House, when it appeared that, in the course of five years, they had instituted nine hundred and ninety-nine prosecutions in defence of the Excise laws, and had only failed in eighteen. He thought that this was a good per centage of success on their parts; and he could assure the House that the per centage of success, on account of the good conduct of the law officers of the Crown, was as large in the Customs as it was in the Excise. In 1823, three hundred and sixteen informations were filed; and how many of them, did the House suppose, had failed? Not one—the return was *nil.* That was a sort of *annus mirabilis* for the Attorney-general. In 1824, there were two hundred and nineteen informations filed, and only two failures: in 1825, there were a hundred and fifty-one informations, and only two failures: in 1826, there were seventy-four informations and only one failure; and in 1827, there were twenty-eight informations, but no failures at all. He hoped he had said enough to prove, that this invisible and extraordinary person, the Attorney-general, was not so odious, or so cruel in the execution of the duties of his office, as he appeared through the gangrene medium in which the hon. gentleman exhibited him. The next point to which the hon. member for Colchester had directed his attention was, the conduct of the Boards under which these prosecutions were commenced, and the amount which was recovered as penalties by their exertions.—The hon. member complained that, although penalties to the amount of upwards of one million had been sued for, the whole amount recovered was only 157,826*l.* After observing, that an information had frequently counts for a penalty, because a person failed to make the proper entries; and for other penalties, because he had not sent out the proper permits; and again, perhaps, for not preparing and keeping, according to regulation, some peculiar documents, the hon. and learned gentleman proceeded to contend, that these multiplied counts for penalties were never insisted upon by the Crown, or by the Boards, except in cases of aggravated fraud and deception; and that they were always content with the most moderate penalty, when they saw any thing produced in mitigation of the offence. It was his practice, when he was clearly entitled to have a verdict, to make a compromise without bringing it to trial, unless he thought there were particular circumstances in the case, which rendered it advisable, for the public interest, to have it regularly discussed in the court of Exchequer. Proceeding in his speech, the hon. member said, "Now you have got 157,000*l.* odd into your till, what becomes of it? Why, you give away 45,897*l.* of it to informers." He would ask, was it his fault, or the fault of any of the Boards, that such a sum should be paid to informers? The whole of the acts upon which these penalties were recoverable, recognised the existence and reward of informers. The principle of proceeding upon informations of this description was as old as the times of queen Anne, and had been recognised by every act passed by the legislature since that period. The revenue could not be protected without them. Few, if any, of the frauds upon its regulations could reach the knowledge of the Crown unless by their assistance; and he believed most sincerely, that if they were to come to a determination of giving informers *nil* in point of reward, they would be *nil* in point of information.—The hon. member who brought the subject before the House, possessed, he felt bound to admit, very great ingenuity; but all his ingenuity had failed him when he attempted to point out any remedy for that which he considered an evil. The hon. member had talked of tribunals; but he would fearlessly challenge the hon. member to point out any tribunal, of any kind, so well adapted as the court of Exchequer to the trial of offences of this description, or to name any kind of court of law, which, in its administration of justice upon cases connected with the revenue, could give more satisfaction to the country. The hon. gentleman had mentioned several cases in which the costs had been very large, although the penalties sought to be recovered were very small. Those cases had neither dates nor names, and the hon. gentleman must, therefore, be left to enjoy them in the solitude of his own reflection. For his part, he knew nothing of them, but he did recollect very lately, that a person was sued for penalties, small indeed in amount, although the costs would undoubtedly be very large. It happened, however, to be a case which involved all the acts of parliament with respect to the duties upon glass; and, therefore, although the hon. gentleman might say that the end was disproportioned to the means, in the cases he had alluded to, he was prepared to contend, that the object to be answered was one which perfectly justified the course adopted by the Crown; and that it was one of those cases which required and demanded a public investigation. The hon. member had complained of the fees which, under the present system, were paid to the clerks in court. On this head he should be very short, as those fees would come under the consideration of a commission recently appointed. Thus much, however, he would say, that the hon. member was quite mistaken in supposing that their situations were sinecures. It had recently fallen to his lot to name an individual to succeed to one of these vacant clerkships; and he had refused to name a gentleman, who was strongly recommended to him, until he had given him his word that he would take notes of every case affecting the revenue which came into the court, and would thus collect, for the use of the barons, a mass of information which could not fail to be highly serviceable to them. He therefore contended that the remuneration which the clerks in court received was not greater than that to which they were entitled, by the talent and labour which they were obliged to bring to the discharge of their different duties.—The hon. member appeared to imagine, that in consequence of these prosecutions the offices of attorney and solicitor general were too largely paid by the miserable fees which they received for conducting them. He would assure the House, that the law-officer of the Crown who bestowed his time in supporting cases in the Exchequer, was a loser and not a gainer by it. He had been days and weeks confined to the court of Exchequer, to the loss of the far more lucrative practice, which, if he had not been kept there, he should have had in the House of Lords. The hon. and learned gentleman then alluded to the case of captain Bryant, and observed, that he had been prosecuted for a breach of some regulations upon the subject of his manifest. Of the case, however, he knew nothing; but he did know that these regulations with regard to manifests were of great importance, as gross frauds were attempted to be practised by persons who made false entries. In a recent case, a very valuable picture had been discovered between two marble slabs, although the manifest contained no entry of any thing but a slab of marble.—He next adverted to the case of Stock, and which had the advantage of coming to them supported by the hon. member for Essex, to whom, without mixing him up with this man or that, he would say that every thing belonged, which ought to belong to a man of honour, and character. But what was the case? There was an act in existence, whereby offenders against the Revenue laws, might, at a great saving of expense to individuals, be taken before a local tribunal of magistrates, and there have their cases decided. It happened that, in the case of Stock, this tribunal sat upon a Saturday night, and that it was called upon to receive an information as to whether he had or had not signed papers, which he should have put, by a given time, into the Excise-office. It was very important that notice should be given by every manufacturer to the Excise, in order that some officer of it might attend to calculate the duties. The hon. member had spoken as if the question in the case had been a question as to whether it was ten or eleven o'clock; but the real fact was, that the man gave no notice, and that the magistrates, who turned out to be the clerical barons, convicted him for not giving it. The party convicted proceeded against the witnesses for perjury, and had obtained a verdict against them at the assizes for Chelmsford. It was not the fault of the Attorney-general if the witnesses committed perjury, or if the magistrates erroneously convicted Stocks on perjured evidence. Since that time application had been made to the court of King's-bench to set aside the conviction; and if this were the whole of the case, he thought that no great grievance had been proved against the present system. The local jurisdiction given to magistrates in these cases was, he contended, a great boon to the public, by the saving of expense which it produced in the attendance of witnesses from the remotest corners of the kingdom, at Westminster. This alteration was produced chiefly through the influence of the present Master of the Mint, to whom on that account the country was much obliged. For his own part he was convinced that the alteration was a large, substantial, and merciful mitigation of the laws. During the last Term there was only one Custom prosecution; and he believed that three parts out of four of the offences against the Excise were now disposed of by the local tribunals. In conclusion, he stated that he did not know what substitute the hon. member intended to propose for the system which he wished to upset. The hon. member seemed anxious to launch the House into the boundless ocean of legislation, to plunge it into the *mare magnum* of doubt and difficulty; but he trusted that the House would not be precipitately led away by a flourish of words, with the idea that it was possible to devise a petty system for the protection of a revenue of 43,000,000*l.*

Mr. *Western* admitted that the proposition of the hon. member for Colchester was too general, and that he had not pointed out any particular remedy for the grievances of which he complained. He was of opinion that a more efficient control than that which existed at present should be imposed upon the Boards of Customs and Excise. With reference to the case of Mr. Stock, that individual had been convicted summarily under a mistake of the magistrates; who, he believed, had become sensible of their error. The evidence upon which he had been convicted was the false testimony of an Excise officer; and the individual did not himself know the charge against him. The magistrates were desirous of mitigating the penalty of 50*l.*, and urged Stock to apply: but he declined, and prosecuted the excise officer for perjury, and convicted him. He hoped that this case would be taken into consideration in the proper quarter. He should support the motion of the hon. member for Colchester; and he agreed with him, that more efficient control should be exercised over the proceedings of the Crown-officers, in suing for penalties under the Excise laws.

The *Chancellor of the Exchequer* observed, that if he could see any prospect of improving the system of the law in this particular, he would be the last to throw any obstacles in the way. It was impossible not to see the hardship of the case mentioned by the hon. gentleman, and which deserved consideration. But, admitting the facts to be as stated, it appeared not to be the result of a defect in the law, still less in those who administered the law. It was one of those unfortunate cases, which must occur in the most perfect system, arising from the perjury of an individual, bringing misery upon the innocent, for which there was no remedy. The hon. member had stated, that the individual had no previous knowledge of the crime with which he was charged. This was scarcely possible, as he must have had the information. He should give his best consideration to the case, with the view of ascertaining what could be done. If the facts were satisfactorily proved, there would be no indisposition on the part of the Treasury to interfere, as they had done in other cases. The hon. member for Essex had said, that a more efficient control should be exerted over the proceedings of the Crown-officers in Exchequer prosecutions. But the Revenue Boards did exercise great care, and never commenced a prosecution without inquiry, nor until they had ample proof of the guilt of the parties. As a proof of this, he would state, that out of nine hundred and eighty-four informations exhibited last year, there had been nine hundred and seventy-one convictions. It seemed to be the object of the hon. mover to get rid of the tribunals before which these suits were brought. He had objected to the court of Exchequer, on account of the expense of bringing up witnesses. This was the old accusation; and now, when summary conviction was established by law to remedy that evil, he said that it disposed of the subject's property without trial by jury. The jurisdiction given to magistrates had generally afforded great relief; and in all cases there was an appeal to the quarter sessions.

Mr. *Bright* said, he was surprised that the country had not risen up against the system of Revenue-laws. The new Consolidated law had not got rid of the obnoxious penalties, but had in a few lines re-enacted them. He should not be consistent with any consolidated Revenue-law that did not specify the pains and penalties. The returns which had been so triumphantly appealed to, did not include the remonstrances and appeals to the authorities. If free trade was to be calculated on, this system of law must be altered. He objected to the local jurisdiction which gave to magistrates the power of convicting without appeal. He thought that a great reform in the Excise laws was requisite, and that a complete consolidation of them should take place.

Mr. *Herries* said, he was astonished that the hon. member should not have been aware that the first and chief Consolidation-law had already passed, and contained a material correction of the former acts. By the former law, some inconvenience arose from the local jurisdiction; by the subsequent law, in all cases of prosecution before magistrates, there was an appeal to the quarter-sessions. The right hon. gentleman adverted to the prevalent error, that jurors received a larger remuneration if they found a verdict for the Crown than for another party, and stated that, from the best information he could obtain, such a practice never had existed.

Mr. *W. Smith* rose amidst cries of "question." He said, there had been some cases within his knowledge of such extravagant injustice under the Excise laws, that he had had some intention of bringing them before this House. Then the expenses of these prosecutions: this was a subject which had not received an answer from the other side [The hon. member was here stopped by cries of "question."]

The House then divided. For the motion 39; against it 146. Majority against the motion 107.

List of the Minority.

Baring, A.
Baring, F.
Baring, sir T.
Bentinck, lord G.
Bernal, R.
Birch, J.
Craddock, col.
Caulfield, hon. H.
Dawson, A.
Easthope, J.
Euston, lord
Fergusson, sir R.
Grosvenor, hon. R.
Hume, J.
Heneage, G. F.
Heathcote, R. E.
Howick, lord
Jordan, Robt.
Lennard, S. B.
Lumley, S.
Marjoribanks, S.
Milbank, R.
Marshall, W.
Monck, J. B.
Martin, J.
Maxwell, J.
Maberly, colonel
Palmer, C. F.
Russell, lord W.
Rickford, W.
Smith, W.
Sykes, D.
Stuart, V.
Wilson, sir R.
Wood, J.
Western, C. C.

	TELLERS.
Warburton, H.	
Wrottesley, sir J.	Harvey, D. W.
Waithman, alderman	Bright, H.

HOUSE OF LORDS.

Friday, May 2.

Game Laws Amendment Bill.] The Marquis of Salisbury moved the order of the day for going into a committee on this bill.

Lord *Suffield* said, he did not rise to offer any opposition to the bill, but relating as it did to a matter with which he had long been particularly conversant, and having as yet had no opportunity of remarking upon it during the present session, he felt desirous of addressing a few words to their lordships on the subject then under consideration. He rejoiced that he had been no party to the bill for two reasons: first, because he did not stand committed to the proposal of a measure which fell short of what he, consistently with his declared opinions, should have thought it his duty to recommend. He rejoiced, secondly, because, being no party to the bill, he could freely give its promoters that applause to which their labours so justly entitled them. In fact, much of that which, in his opinion, was due from the legislature to the public, respecting the Game-laws, was attained by this bill.—Much concession was made of an exclusive privilege voluntarily, which as it had been lawfully, however unjustly, possessed, it became an act of liberality to surrender.—He rejoiced especially, that this proposed surrender originated with the aristocratical part of the legislature, remembering that nothing less than a revolution forced similar privileges from the aristocracy of France. It was happy for the country, and highly creditable to those noble lords whose labours had produced this bill, that so much of the public odium would at length be removed from laws, which odium in fact, had rendered them ineffectual. In their present state, they were a disgrace to any free country, and from their oppressive and unjust nature, they were calculated to augment the evil which they were intended to repress. Inquiry after inquiry had been instituted for the purpose of ascertaining the cause of the increase of poaching, and the most whimsical reasons had been assigned for it. Doubtless many circumstances might have combined to increase the number of violators of these and other laws, but their lordships might be assured, upon his experience as a game-preserver, and as a magistrate, that the principal cause has existed in the just and well-merited detestation in which these laws have been held by the public. Hence your lordships hear of, and many of your lordships acting in the capacity of magistrates must have seen, the difficulty of detecting poachers in the first instance, and in bringing them to justice afterwards. Some witnesses examined by your committee allege in these words, "that the judges of the land seem resolved to acquit all poachers and condemn all keepers." If this be true, why is it so? but if not true to the extent represented, a case of recent occurrence in Gloucestershire sufficiently proves the reluctance of juries to convict a poacher. An inoffensive man, in defence of his master's game encountered some poachers, and had his brains beaten out. The poacher who beat out his brains, was tried at the last assizes for murder, the evidence was clear as to the fact and as to the person, yet the jury acquitted, he (lord S.) could not say the murderer after his acquittal—but the man who undoubtedly destroyed the gamekeeper by blows savagely inflicted on his head. The absence of spring-guns had also been alleged as a reason for the increase of poaching: now, happening to be the person with whom the proposal for their abolition originated, he could not forbear stating, whatever might have been the effect of their abolition in Yorkshire or elsewhere, in Norfolk no such result had been experienced, it being a remarkable and notorious fact, that, during the year which had elapsed since the prevention of the use of spring-guns by law, less poaching had taken place in Norfolk than had been known for many years preceding. The best remedy for poaching would be such an alteration of the Game-laws as would secure to the public such an interest in the game as the public had a right to demand. Five years ago he had stated in that House what appeared to him to be the chief desiderata on the part of the public, and these desiderata were in great measure accomplished by the present bill. He thought that every man should have a legal right to buy game. Every one should have a legal right to sell the game found upon his own land; and lastly, every one should have a legal right to kill game upon his own land, or upon the land of another with his permission. Had he (lord S.) the power to recommend any alteration of the present Game-laws to the adoption of the House, he should certainly think it his duty to propose their entire repeal, substituting for them only some additional power to punish trespassers by summary process; but having said this, without attempting to support his own view of the subject by a single argument, he should trouble their lordships with nothing more than an expression of his most hearty concurrence in the propriety of passing the bill then before the House.

Lord *Redesdale* said, that the Game-laws were originally laws of police. There were formerly large tracts of land in this country frequented by freebooters, such as Robin Hood and his company, and those laws were made for the purpose of putting down bodies of that description. The country was now in a totally different condition. With respect to the sale of game, it seemed absurd to give a man leave to do that which you could not prevent his doing. But as it was impossible to prevent it, he was friendly to this bill, so far as it related to the sale of game. Neither had he any objection to give a man a right to kill game on his own land; but he could not see why it was to be limited to persons holding ten or more contiguous acres. Why was a man, because half his land happened to be on one side of the road and half on the other, to be in a worse situation than he whose land was all on the one side? In his opinion, every man who held land ought to have the right of killing game upon it.

Lord *Suffield* was at issue with the learned lord as to the origin of the Game-laws. They originated in an act of Richard 2nd, which professed to be "an act for the better regulation of his Majesty's subjects, and for sending them to church;" but it was in reality intended as a pretence for disarming the subject. So far it certainly was, as the learned lord called it, a law of police. Its object was a political one.

Their lordships then went into the committee, in which several of the clauses were agreed to. On the clause being read for qualifying esquires, and those of higher degree,

Lord *Wharncliffe* said, it now became his duty to endeavour to show the House, that the qualification system proposed by this bill never could have the effect which was apprehended—and which nobody would more deeply lament than himself—of driving the country gentleman from the country to seek amusement in town. So far from its interfering with the sports of these gentlemen, he contended that it was calculated to improve them. For this purpose it was necessary that these laws should be put upon an equal footing, even with respect to the right of shooting on a man's own land, and thus show the humbler classes that their feelings and interests were consulted as well as those of their landlords. He knew the audience he was addressing, and his demand of their lordships was, to open those privileges to the people; and were it not that he felt that demand to be bottomed in justice, and that their lordships must always wish to stand well with the country, he should despair of accomplishing the modification of these laws which he anticipated. He wished, as far as possible, to give to every man the right to sport on his own land: *prima facie*, this was but justice; and still more, that there should be no right in another man to come on that land. It was also contrary to justice, that if one man reared a quantity of game on his land and it went on another's land, that he should not participate in it. In this clause the marginal note was, that "all who were of the degree of squires and upwards should be qualified." Now, it might be asked, what was meant by that? By the law, as it stood at present, the son of a squire might kill game, but his father, who was of higher degree, could not. Nothing could be more absurd than that a man might procreate killers of game, but could not kill game himself. This was a perfect anomaly, and therefore he proposed, that the father should have the privilege of killing game as well as the son.—His next proposition was, that a lord of a manor should be qualified to kill game. At present he could not, although he could depute another to kill it. He also proposed to qualify many others who were not qualified at present. He came now to the qualification by estate. At present, it required a man to have a freehold of 100*l.* a-year in this country, to qualify him to enjoy this species of amusement; so that no Irish or Scotch peer, who came over here, could enjoy this diversion with any of their lordships, without thereby incurring a penalty. Even their lordships' own second sons were debarred from it also. All the bill did in this respect was, to allow a man to permit his friends to shoot on his own land. Now, as to the other qualification, which he confessed to be new, it would be for their lordships to say whether it would be consonant with justice not to allow that, if they made game saleable. One great object in making game saleable was, that the market should be well supplied; if it was not, the poacher would certainly come in. He contended, that the effect of this measure would be, to render the small proprietor anxious to assist the larger proprietor in the preservation of the game. But their lordships must expect, if they had great preserves surrounding his land, and would not allow him to kill game upon his own land, that he would find means to annoy them, if it were only by procuring others, who were qualified, to do so. He had seen an advertisement in a Nottingham paper to this effect—"Whereas my land is surrounded by the land of ———, and my crops eaten by his game, I hereby give leave to any person having 100*l.* a year to come and shoot over my land." Now, this was no more than any man would do. Then, was it not better to give a man leave at once to shoot over his own land? With respect to small proprietors, many of them would not act on this permission, because there was the expense of a certificate, which was three guineas and a half; and then there must be a written licence, under the hand of the clerk of the peace. He hoped he had laid sufficient grounds to induce their lordships to adopt this part of the bill. Now, when once their lordships made game saleable, they must give the proprietors the means of preserving it. As the law stood at present, it was sufficiently severe against unqualified persons; but the penalty was not inflicted for the trespass, but for using a dog and gun. But against qualified persons, the only remedy for trespass was an action at law; in which, after incurring all the chances incident to such a proceeding, even if the plaintiff succeeded in obtaining a verdict, most fortunate, indeed, would he be if that verdict covered the damage. Now, his plan was this—the moment a man put his foot on another man's ground, he must answer for it summarily. Every man ought to be allowed to do what he pleased within his own boundaries; but he ought not to be allowed to intrude within another's. It was said, that this would give rise to much litigation; but let their lordships look at his countrymen in Scotland: he called them his countrymen because the best blood in his veins was Scotch. They were not over unwilling, or afraid, to go to law; and yet it appeared, from the evidence given before the committee, by the lord Advocate and another gentleman, that such was not the case in Scotland, because nobody ever thought of passing the boundary of his own land. Such was the state of society in Scotland, which the law, no doubt, was the instrument in modelling; and such would be the case in this country, if the law were to be assimilated, in that respect, to the law of Scotland. The clause gave to the proprietor the power of demanding the name and place of abode of the party trespassing, and of then going to a magistrate and laying an information before him, in case the offender went away after a remonstrance. But if he should resist, and attempt to pursue the sport against the will of the proprietor, or in case of his giving an obviously false name and address, then the latter, at his own peril, no doubt, was empowered to seize the person, and deliver him over to a peace officer. This power was infinitely more efficacious, as a protection to the preserver of game, than any which the law at present supplied.—He now begged their lordships' attention to the clause of exceptions inserted in this bill. This clause saved the rights of all lords of manors, the rights of free chase, and free warren, it also exempted persons on horseback, and engaged in the pursuit of hunting, from the operations of this bill. There could be no doubt, but that a person hunting, who broke the bounds of another man, was a trespasser under this act. But he would not disturb the presumptive privileges of the chase, having been in his earlier days addicted to the amusement himself: but, on the contrary, would do every thing in his power to maintain it, as a manly, invigorating, English sport. In short, he would leave to the proprietor of the land the same remedy as he now had, against a party trespassing, under the circumstances which he had described. He would add, in reference to this subject, that the sport of hunting depended very much, for its innocent or oppressive character, upon the way in which the practice was conducted; and, if the gentlemen engaged in it did but show a disposition not to interfere unnecessarily with rights, they might expect to see the country go hand in hand with them.—He begged to remind their lordships, that, on this subject, he was not a new reformer; and it was not without much consideration that he ventured to assure their lordships, that they would do infinitely better by leaving the law as it now was, with respect to game, than merely to make the sale of game legal, and abstain from extending the qualification to kill it. There might be in the minds of proprietors of estates an old feudal feeling in favour of retaining their privileges with respect to game; but they might depend on it that, if once these proprietors turned their privileges into a source of profit, the country would murmur, and their lordships would find that such a system would not be endured. Let, then, he would say, justice be done to the people. Their lordships were the virtual representatives of the landed interest of the country; and he would exhort them to give up a part of their privileges, in order to secure the good-will of the people.

The Earl of *Malmesbury* gave the noble lord, who had devoted so many years to the consideration of this subject, great credit for the pains he had bestowed upon it; but he could not agree with him in the view he took of it. He considered this to be a perfectly new bill. He knew that their lordships were prejudiced against the present system, because the increase of poaching was attributed to the existing laws; but the evidence before the committee would not bear out this position. His lordship here referred to the witnesses called before the committee. There was, however, another description of persons, whose evidence he should have wished had come before the committee. He meant the persons, magistrates and others. who resided in places where the greatest number of commitments had taken place. In one county, for instance, there had been more commitments under the Game-laws than in all the other counties in England put together; and he must say, that he regretted the absence of this local information before the committee of their lordships. There was an hon. friend of his, the member for Oxford, who was chairman of the quarter-sessions in Wiltshire, and who, he believed, was not a sportsman. Now this gentleman must be aware of the description of persons who had been brought before him, and could have given the committee very valuable information. He should have been glad to have had the evidence of the keepers of the Bridewells, who would have proved what description of persons were committed to their custody, and whether it was not the state of the times, rather than the laws, that had driven agricultural labourers to poaching. He therefore thought that, the inquiry into the question of the causes of the increase of crime had not been carried as far as it ought.—Another description of persons might have been called to state whether the great increase of game and the practice of *battûe* shooting, had not had a great effect upon poaching. In old time there was not that morbid feeling about sporting which at present existed. Besides this, a great change had taken place, particularly in the middle classes, who indulged in more luxuries than formerly. By the returns respecting the increase of crime, it appeared, that for the last six years there had been no increase of convictions under the Game-laws. In 1821, they were one hundred and forty-eight; in 1822 they fell to ninety-seven; in 1823 they were one hundred and fifty-three; in 1824 they were one hundred and forty; in 1825 they were one hundred and nine; and in 1826 they were one hundred and twenty-eight. From these returns, therefore, it appeared that there had been no increase in the convictions under the Game-laws.—He would now enter into a little analysis of the bill. His noble friend had said, that he wished to do away with the anomaly in the present law of qualification: but had he done so? What did his noble friend mean by "squire?" For his own part, he had never been able to attach any definite idea to the abstract term "squire." He could understand what sort of persons Sancho Pança and squire Western were, but in this country, and in these times, what class of persons were included under the term "squires," he had never been able to find out. He must contend, that if his noble friend had removed one anomaly, he had substituted another in its place. This clause, which regulated qualifications, overthrew the whole of the present system, and would give rise to more litigation than all the existing laws upon the subject put together. These owners of ten acres would be constantly litigating. Let one hundred acres be enclosed, and divided among ten persons. Suppose, on a windy day, a covey gets up on the property of the owner of one of the ten acres;

they fly across the ten acres of the next proprietor, who shoots, and the bird falls in the ten acres of a third proprietor. Now, though the bird might properly belong to the last, yet such a circumstance would be sure to produce litigation among them. This was a description of persons who never were intended, and ought not to be, preservers of game. He would much rather see them attending to their farms, than going about at night endeavouring to preserve property which they could not protect. These would be the first persons to whom the poachers would go; because they were not rich enough to watch and protect their game.—One of the consequences of this bill would be, an alteration in the value of property. The value of a thousand acres would then vary, from the circumstance of there being or not being a manor attached to them. But his noble friend had mistaken the matter of qualification. If at the time of the passing the act, now in force, it was considered that 100*l.* a year was necessary to qualify a man, the qualification now ought to be 300*l.* a year. This would be only fair, if the relative value of money at the two periods were considered.—There was part of the bill which he must beg his noble friend to explain. It related to joint tenants. Did his noble friend mean, that if there were a number of joint tenants in ten acres of land, they should all be qualified?

Lord *Wharncliffe* said, that these words were inserted at the suggestion of an eminent lawyer. According to his own conception, if there were six joint tenants, they would all be qualified, so far as the land in which they had an interest was concerned.

The Earl of *Malmesbury* said, that if that were the case, he thought the clause extremely objectionable. His noble friend had said, that no qualification was necessary in Scotland: but what said the lord Advocate? He did not say, that there would be greater litigation under the system of law in England than under the system of law in Scotland; but that the law of Scotland had not been productive of a great extent of litigation. As to the poulterers, as soon as they found that qualified persons were undersold by the poachers, they would buy of the latter in preference to the former. Then the part of the bill which made game found on unqualified persons seizable would be productive of the greatest trouble. By qualifying such persons, they gave great facilities to poaching. With respect to the exception which the bill made in favour of coursing and hunting, he was sorry to see it remain a part of the law. But he wished to call the attention of their lordships to the clause, which excepted persons following game on horseback from the provisions of the bill. Suppose he found his noble friend following game, on his property, on horseback, he had only to discharge his gun suddenly, and get his noble friend from his saddle, and immediately he was dismounted, he would become a trespasser. He was afraid this bill would make a great difference in the present constitution of society; and that by creating a new class of game-preservers among little tenants, it would destroy industry, and give rise to extensive litigation.

Lord *Calthorpe* contended, that the evils complained of resulted from the Game-laws, rather than from want of employment. The greatest outrages which had been committed did not occur in places where the labourers were out of employment, nor in the agricultural districts; but in manufacturing parts, and where there was no want of employment. That proved to him, that the chief inducement to poaching did not arise from the scarcity of employment, but it resulted from the law which forbad the sale of game, and the demand created by those who were possessed of the means of purchasing every thing legally except game. It was clear that while that demand existed, it would be supplied by persons who could not resist the temptation of profit. It was also proved before the committee, that it was far more easy to get juries to convict poachers in agricultural parts, where the want of employment existed than in the manufacturing parts of the country, where it appeared that persons, who were not in want, committed the greatest outrages. He thought this a proof of the subversion of feeling produced by the Game-laws. Where the plea of poverty existed, no favour was shown; but, towards the individuals who had no such plea, and were only actuated by a desire to supply, for their own profit, the demands of the rich, favour was extended. The evidence before their lordships was decisive of the badness of these laws; and proved that, if game were allowed to be sold, it would diminish the inducements to the commission of this offence; than which a more fruitful source of crime did not exist. The clause which altered the mode of qualification, was essential to give effect to the other parts of the bill. Under the present system, the poacher had a great share of what the land-holders ought to possess exclusively themselves; but if the latter were, as they would be by this bill, secured in the unreproached exercise of their rights, they would derive an enjoyment from those rights which, under the present system, they never could attain.

The question was then put, that the qualification clause stand part of the bill. Contents 33; Not-contents 18; Majority 15. On the clause being read, exempting from the provisions of the bill persons hunting for game on horseback, or coursing with hounds,

The Earl of *Malmesbury* objected to it, but especially to that part of it which related to coursing, which would open a wide field for poachers. Of course they had a right to suppose that none but respectable persons would be found following game on horseback; but the clause was worded in such a way as might give rise to a point of law. Suppose an individual, when following game on horseback, happened to be thrown from his horse, would he not then be placed in the situation of a trespasser?

Lord *Wharncliffe* said, the object of the clause was to allow persons who had raised game on his ground, for instance, to follow it on the next estate.

The words "hunting for game on horseback" were agreed to without a division. On the words "or coursing with hounds" being proposed to standpart of the clause, the House divided: Content 26; Not-content 18; the bill was ordered to be re-committed on Tuesday.

HOUSE OF COMMONS.

Friday, May 2.

Corporation and Test Acts Repeal Bill.] Lord John Russell moved the order of the day for taking into consideration the Lords' Amendments to this bill.

Mr. *Hudson Gurney* said, that it was extremely convenient, though it seldom happened, that an act of parliament should be so worded as to be susceptible of being understood. This did not appear to him to be the case with the Lords' Amendments to the present bill; and he rose thus early to endeavour to procure such information from his majesty's ministers, as to the sense in which the engagements introduced by the Lords were to be taken, as might direct him in his vote, whether, for the sake of passing the measure, these alterations were to be agreed to, or not.

The bill, as he understood it, as it passed through this House, involved a question between the Dissenters and the Church; but as it returned from the Lords, it appeared to him, to involve a much more important question between the Church and the State. The bill, as it passed through the Commons, required a declaration from all persons holding offices in bodies corporate, men who, to use episcopal language, had nothing to do with the laws but to obey them or to cause them to be obeyed by others, that they would never use the influence of their office to the injury of the rights by law appertaining to the Church; and a power was given to the Crown, at its discretion, to call on its ministers to subscribe a like declaration. But the Amendment of the Lords had made it imperative upon every minister of the Crown, within six months of his taking office, to declare, in the presence of Almighty God, that he would not exercise any power, authority, or influence, which he might possess, by virtue of his office, not only not to injure or weaken, but not to disturb the said Church, or the bishops and clergy of the said Church, in the possession of any rights or privileges, to which such Church, or the said bishops and clergy, are or may be, by law entitled.

Now, the proposed alteration of the law seemed to amount to this—that, whereas it was before necessary, that a man to be qualified to take office must be a member of the Church of England, or conforming to its ritual, that now the high functionaries of the State, on taking office under the Crown, must swear a vassalage to the Church, as qualifying them to act as the king's confidential advisers. It was perfectly evident, that no measure of any importance could ever pass through parliament, without more or less of the influence of the ministers of the day; and let whatever necessity exist for any the minutest interference with the affairs of the Church, civil or ecclesiastical, ministers would be met by this previous declaration, of which the same use would be made, as they had heard made, in so many instances, with respect to the Coronation Oath. The king was head of the Church, but his ministers were ministers of the State; and as ministers of the State were to advise the king according to the existing exigencies of the community. Now, admitting the extreme and spotless purity of the Church of England—that there were no difficult questions concerning tythes, the jurisdictions of Ecclesiastical Courts, tenures of Church lands, either in England or Ireland—still you could no more say, that no alteration, either in Church discipline, or ecclesiastical privileges, should at some future time, be needed, than you could maintain, that the Church of Rome, in the time of Leo the 10th, was in the same state, as that in which it existed in the days of saint John Polycarp. If, therefore, they acceded to the bill as now amended, the moment any change was proposed, in any thing in the remotest degree connected with the Church, the minister who should venture to make the proposition would be told at once, that he was acting in violation of his solemn declaration; and we should have an outcry raised, from one end of the country to the other, and eloquent and able pamphlets published by future deans of Chester, bitterly complaining of the infraction of the engagement, and the faithless violation of the rights and privileges of the Church. This law passed, no change whatever must be made hereafter; and if such be the construction which will naturally be put upon the words introduced by the Lords, he would venture to assert, that no Popish ex-Chancellor, in times when the Great Seal was ordinarily in the hands of churchmen, would have dared to have suggested such a test to the ministers of the Crown. The legislature had once passed a bill, ordering the nailing up a house to the church door, but in this bill the ministers of the Crown were to be nailed down, for all time to come, and prevented from taking any step, which might be construed by ecclesiastical persons, to weaken or injure the Church, or to disturb them, in any thing which they might assume, in any case, to be their rights or privileges.

In conclusion, he thought the bill much deteriorated since it had left that House; but, upon the explanation which he might obtain from the members of the government opposite, of the nature of the specific amendment to which he had adverted, would depend his vote, for rejecting, or agreeing to, the bill.

Mr. Secretary ***Peel*** said, he did not admit the right of the hon. member to put any question to him as to any amendments made in the bill in the other House. He would not, however, decline the explanation, as he did not see the slightest difficulty in the hon. member's objections. There was nothing in the amendments which ought to induce that House to reject the bill, or any on which a doubt could be raised as to the true meaning of the act. The hon. member objected, that the amendments took away the discretion of the Crown, as to the taking of the Declaration by ministers, or persons high in office; but then the question was, what did the Declaration require of them? That they would not exercise any power, authority, or influence, which they might possess in virtue of their office, to injure or weaken the Protestant Church as by law established. He begged to call the attention of the hon. member to those words. The Protestant Church was permanently established by the act of Union between England and Scotland, and also by the act of Union between England and Ireland. The fifth article of the latter act said, "That the Church of England and Ireland shall be united into one Protestant Church, to be called the United Church of Great Britain and Ireland; and that the doctrine, worship, discipline, and government, of the said United Church shall remain and continue as by law established; and that the continuance and preservation for ever of the said United Church, as the Established Church of the said United Kingdom, called England and Ireland, shall be deemed and taken to be an essential and fundamental article and condition of the Union." It was clear that the amendments did nothing for the Church which was not done before. All that it required was, that the party taking office should declare that he would not use the influence or authority of his office to weaken, injure, or disturb in its rights or privileges, the Protestant Church so declared to be permanently established by law. There was no alteration made in the bill, of any consequence, except that could be so considered which substituted the words "in England" for the words "within this realm." The addition of the words, "I sincerely, in the presence of God, profess, testify, and declare upon the true faith of a Christian," did not make any material difference. He was unwilling to throw any difficulty in the way of parties making the Declaration, but he did not think that the addition could raise any objection in the minds of the most scrupulous. Any member of any Dissenting communion might subscribe this Declaration. If it was objected, that these words, "in the presence of God," gave a religious sanction to the Declaration, he must say that it came badly from those who made no objection whatever to taking oaths of allegiance and abjuration. The Oath of Allegiance was, "I do solemnly promise and swear to bear true allegiance to our sovereign lord the king, his heirs and successors. So help me God." This oath was under a religious sanction, yet no objection was made to it. Neither was any made to the Oath of Abjuration. It did not appear that any new difficulty was placed by those amendments in the way of parties who might be called upon to subscribe to this Declaration. They gave to it a religious sanction, but did not alter the object contemplated. He would repeat, that he was not responsible for the insertion of those words; but though he considered their introduction by no means essential to the act, he did not think they threw any additional difficulty in the way of those whom it was intended to relieve, nor did they warrant the inference which the hon. member had drawn from them.

Mr. *H. Gurney* repeated his objection to the alteration in the bill which took from the Crown the power of dispensing with the taking of the oaths by ministers of the Crown.

Mr. Secretary *Peel* said, that the object of that part of the bill was, not to relieve ministers or others in high office, but was intended to apply to persons in subordinate situations, clerks, and others, in whose favour he could wish to see an exemption from taking a declaration which he trusted would bind all who took it. The dispensing power of the Crown was not intended to apply to ministers of the Crown, or others holding high offices. The oath did not apply to members of the legislature; it was only to persons taking office, and in that view he did not see why the originally proposed dispensing power should be extended by the Crown to its own servants.

Mr. *Croker* was sorry that the bill had not come from the Lords in the same state in which it had gone from that House. He would venture to say, that those by whom these alterations were made were not aware of the results to which they led. The object of the bill was to relieve those for whom the legislature had to pass an Act of Indemnity every year. Now, those amendments would render it necessary to continue the present, or to have another, Act of Indemnity, for the safety of members of the Church of England; and if this measure remained in force, it would be found as inconvenient, in many respects, as the former state of the law. It was strange that the framers of this clause did not see the propriety of allowing the Declaration to be made at the same times and places as the other declarations and oaths. By this bill the Declaration was to be made within six months: by another act the oaths were to be taken within three months. By former acts, the oaths might be taken in the Courts of Exchequer or Common Pleas, but this did not permit that course. He had little doubt that when the Act of Indemnity was removed, this bill would not stand; if it did, it would require another Act of Indemnity to accompany it; and he was sure that the first business of the next session would be either to repeal this, or to pass another act to relieve those affected by it from its pressure.

Mr. *W. Smith* did not think that the objections of his hon. friend (Mr. H. Gurney) were at all tenable; for there was no doubt that whenever the ministers of the Crown found it necessary to make any alteration in the discipline or government of the Church of England, it would be easy for them to make the public believe that such change was for the benefit of the country. This very act itself was an illustration of his argument; for it was truly said, that this measure would strengthen that Church; and any other measure which might be proposed hereafter, with the same tendency, would be passed with as little opposition. As to the fears of his hon. friend, that this measure would tie up the hands of the ministers of the Crown from any future alteration, they were altogether groundless, and his hon. friend was only wasting his ingenuity in anticipating those cases. This bill was introduced to set at rest a question between the Dissenters and the Church of England; and as one of a numerous body of Dissenters he was satisfied with it. He was disposed to receive it, as he believed—from what he had heard in the other House from some of the dignitaries of the Church, who had done themselves great honour by their conduct on this occasion—as it was intended; namely, as a measure which would heal up those acerbities arising from religious differences, which had existed for so many years. He could not refrain from bearing his testimony to the great liberality which had been evinced, on the discussion of the bill, in the high quarters to which he had alluded, and was sorry that any fastidious objections in other quarters had tended to diminish the effect of that liberal feeling. With respect to the Protestant Dissenters, he repeated, that the Declaration made no difference; and as to the Established Church, he thought that the passing of the act would give it additional security. However, he would not enter now into that view of the question. He would, on the whole, have no objection to profess himself well contented with the bill as it stood, and he hoped it would be received throughout the country with the same feeling.

Lord *Mandeville* said, he could by no means concur in the amendments made by the other House, and if he stood alone would object to them. He thought the introduction of the words "on the true faith of a Christian" highly objectionable. They meant nothing as they then stood. If the principle on which they were introduced was worth any thing, it ought to have been carried much further, and some explanation given of what those words meant. There were bodies of persons in the country who called themselves Christians, and who would not hesitate to make that Declaration, but who hardly admitted that the Established Church came under the denomination of Christians. In some pamphlets which they had published (one of which he held in his hand), it was said, that the Church of England was an apostate Church; that it was made up of Popery and Paganism, and that its practice was idolatrous; that it was guarded by the sword of power, and that it was a part of that city described in the Scriptures, which made a merchandise of souls. Now, when the legislature called on such persons to declare on the true faith of a Christian, it should be stated, what that faith meant—that it meant, amongst other things, a belief in the Trinity in Unity. He therefore would object to the amendment, unless after the word "God," in the Declaration, there should be inserted the words "the Father, Son, and Holy Ghost."

Lord *Sandon* hoped the noble lord would not mix up the whole body of Dissenters with the opinions of a small sect, whose opinions were not shared by that body. If the course which the noble lord suggested were adopted, it would be renewing the acts which it was the object of the present bill to repeal, and again establishing a religious Test as a qualification for office.

Mr. *J. Martin* objected to the words "in the presence of God," and also "on the true faith of a Christian." These words would exclude two classes, who ought not to be excluded from the benefit of this measure; he meant the Quakers, who would object to the first part as being in the nature of an Oath, and the Jews, who could not assent to the second. He did not see why either should be exempted from the bill; or why any legislative measure should debar the latter from the enjoyment of civil rights. Those restrictions were not creditable to the good sense or sound policy of the country, and he trusted the time would come when they would be wholly done away with.

The amendment was read a second time. On the motion, that they be agreed to,

Lord *J. Russell* said, he could not allow the amendments to pass without a few words as to his view of them; and he was happy to perceive that the feeling of the majority of the House seemed to be, that they were not such as to induce them to reject the bill. The words which had been added to the Declaration by the Lords, could not be considered objectionable, as a Declaration of religious opinions, for they were not so intended. The Church of the country was Christian; and to whatever denomination of Christians a man might belong, he could not object to declare, "on the true faith of a Christian;" for when a party so declared, he could be understood to mean only on the faith of that community of Christians to which he belonged. The intentions of the Lords were, that a man should give a solemn assent to Christianity, without pointing out any particular sect of Christians. He did not think the Declaration was at all necessary; for many who were not Christians would not hesitate to take it. If he were to go to the history of our own country, he should find that Bolingbroke, who had given occasion to much writing on the subject of religion, employed the latter part of his life in attacks on Christianity, and at the same time in endeavouring to get into the House of Peers, where he must have taken the Oaths as a Christian. It was objected, that one part of the amendments made the taking of office without making the Declaration a misdemeanour. This he did not approve; but still he did not think it a reason why he should reject the measure. As to the other clauses, they made the bill more definite than before, by including persons in inferior situations. This he also disapproved; but still he would rather take the bill, even with this, than run any risk of losing it by opposing what he considered its objectionable parts. Taken as a measure of relief to a large class of his majesty's subjects, he was satisfied with it, and was grateful for it; and he hoped that those for whose benefit it was intended would receive it in the same feeling, and would henceforward be disposed to look with a favourable eye on any measure which might be introduced for a more general extension of the principle of religious liberty [cheers].

Mr. Secretary *Peel* said, there were some parts of the bill which he could wish had been differently worded. The words "within this realm" he thought would be much better than the word "England." He also could wish to see clerks and persons in subordinate stations exempted from the necessity of making the Declaration. However, as the noble lord had not thought it expedient to propose any alterations in those parts of the bill, he did not feel called upon to do so. In taking his leave of the bill, he would say, that he had at first opposed the measure, because, as the question had not been discussed for nearly forty years, and as there had been a cessation of religious differences, he was afraid of sanctioning the introduction of a measure, by which those differences might be renewed. He did not, however, think, nor had he stated, that such a test as the acts had imposed was necessary; but he had said that the act was the less severe by the operation of the Annual Indemnity bill. When, however, he saw that a large majority of the House was in favour of the repeal, he had to deal with a new question—whether it was better to continue the act, or go on with the repeal; and in these new circumstances he was at liberty to act as they demanded, and he did from that time co-operate, and nothing that had been said, had been sufficient to convince him that he had taken a wrong view of the case. Many persons had intimated to him, that if any opposition were continued on the part of government, it would tend to the increase of those majorities; and it was suggested that it would be better not to oppose it. He had no doubt that the majorities would have increased, but no fear of such increase had induced him to give the measure his support. He did so because, after the decided opinion of the House, he thought it would be unwise to agitate the question of a solemn Sacramental Test, or to impose that on unwilling parties, which, if taken from unworthy motives, would involve guilt of the most enormous kind. After the decision of the House, he did think that the time was arrived for abrogating that Test altogether. In the bill as it passed that House, he had proposed a Declaration, to which he did not attach a religious sanction; because he thought that, as the same parties who made that Declaration would be called upon to take the Oaths of Allegiance, Supremacy, and Abjuration, the calling in the aid of religion to the Declaration might as well be avoided; particularly as it was fair to assume, that those who were to be called upon to take the Oaths were Christians. He must admit that he did not think the bill had been improved in its progress through the House of Lords. But he agreed that the amendments there made were not of such importance as that, on their account, any risk of losing the bill should be encountered. With respect to the part taken in the discussion of the bill in the other House by the right rev. prelates, he thought it was creditable to them in the highest degree. It had been said, that the bishops were more attentive to their temporal interests than to the spiritual concerns of the Church. Never was there a more unfounded libel on any class of men. The objections to a Sacramental Test as a civil qualification was general amongst that right reverend body, and they were only reconciled to it, in any degree, by the passing of the Annual Act of Indemnity. If they had wished to maintain that Test as a qualification for civil office, there might be some reason in the charge; but, as they were opposed to its continuance, he could not conceive why they should have been made the objects of so wanton an attack.

Sir *T. Acland* would have preferred the bill as it had been sent to the Lords, The amendments were agreed to, and lord John Russell was ordered to carry the bill to the Lords. On the motion, that the House at its rising do adjourn till Monday,

Mr. *Brougham* said, that now that the bill was in perfect safety, before which it would have been unwise in him to offer a word that might have given rise to discussion, he rose to express his entire disapprobation of the amendments which had been made by the Lords. He entirely concurred with the hon. member who had opened the discussion, as to the injustice done to the Quakers and Jews by the amendments. The declaration, in consequence of the additions which had been made to it, was worse, by a great deal, than it was in the bill originally introduced by his noble friend. He thought that the requiring of a declaration at all was inconsistent with the principle and spirit of the bill; because it sanctioned the doctrine which he held in abhorrence—the doctrine of tests—of making religious opinions of any kind whatever the passport to civil offices. If, however, a test must be adopted, and if that test must be in the form of a declaration, he could hardly imagine that one could be devised more judicious, and less liable to serious objection, than that originally proposed by his noble friend. But that declaration had been made a great deal worse indeed in the other House, by the introduction of words which confined its application to certainly the great majority of all sects, but still excluded some sects of great weight as to number, and of the highest respectability as to character and conduct. On this account, therefore, he thought that the declaration had been made worse in the other House. He agreed with the noble lord, who said that both too much and too little had been done in the other House. Too much had been done to please those who held that no sect ought to be excluded, and too little for those who maintained the opposite opinion. The declaration of faith was left in a very vague and indefinite state. He concurred with those who stated, that the bill would be difficult to understand. He believed it would puzzle the legal ingenuity of most persons to state what the law would be after the bill passed. All the circumstances which he had stated were serious objections to the amendments; but, considering the great good that would be obtained by the carrying of the measure, even with the amendments,—considering the large step which the legislature would make in the course which it had entered into, with the view of promoting religious liberty, and leading the way to perfect toleration, he thought it would have been a misfortune that could hardly have been contemplated with an equal mind, if, for any of these objections the risk had been run of losing the measure itself, by sending it back altered in any way.

CIVIL GOVERNMENT OF THE CANADAS.] Mr. Secretary *Huskisson* said:—The subject, Sir, to which I wish to call the attention of the House, on the present occasion, is one which, however it may bear, and it chiefly does bear, upon interests and feelings in a great degree removed from those which ordinarily affect ourselves, is nevertheless a matter of considerable importance.—The question which I wish at this time to induce the House to investigate is, whether those extensive, valuable, and fertile, possessions of the Crown, the Canadas, are or are not administered under a system of Civil Government, adapted to the wants, the well-being, and the happiness of nearly a million of British subjects, and well calculated to maintain the allegiance of our settlements and preserve unbroken the affection and good understanding which should always subsist between colonies and the mother country. If, upon inquiry, it shall be found, that the present system of government in those States is not calculated to answer this purpose, and that the remedy for the evil cannot be applied without the authority of parliament—it will be for parliament to deal with the question, with a view to the introduction of such modifications, improvements, and alterations in the existing system, as may appear necessary.

But, Sir, though considerable errors and defects may be found to exist in the present system, and some oversights may be discovered in its administration, it does not follow, that any particular individual is responsible or can be justly accused of occasioning those imperfections. Sir, the constitution under which the Canadas are now governed, was devised and introduced by some of the greatest statesmen that ever appeared within these walls. But when we consider how little the country in question was then known, and to what a limited extent its resources and interests were understood, it will not appear matter of astonishment, that under such circumstances, the system devised for its government should have been extremely defective. Neither will it appear unaccountable that, in the details of that system, there should be many difficulties which require to be removed — many imperfections which require a remedy — many omissions which require to be supplied. In contemplating the nature of the constitution provided for the Canadas, we must always bear in mind the great and leading principle on which this country has ever acted, in regard to her political relations, both foreign and domestic—I mean the maintenance of national honour and good faith. In this case it is necessary for us to maintain the good faith of the engagements entered into by this country with the French settlers, who constituted the original population of these colonies; at the same time that we endeavoured, as far as was consistent with these engagements, to introduce among them the benefits to be derived from a system of British law, jurisprudence, and civil administration; a system which has already advanced the prosperity of this country, and her other dependencies to so unparalleled an extent. Nor can there be any difficulty in our examining fully and fairly into all the merits and demerits of the system of government at present prevailing in these valuable colonies, or in our applying an adequate remedy to any evils that may be found to exist; for by the constitution given to the Canadas by parliament in 1791, the legislature of England reserved to itself the liberty to alter, vary, and amend, the government of those colonies as it might think proper. I state this, not upon any abstract or general reasoning that might be applied to the subject, because there must be a paramount power in parliament to redress wrongs in any dependencies of the empire, and to establish any system necessary for the welfare of the subject. In the present case, there is an enactment in the act itself, and it is expressly declared and required in a manner which leaves no doubt of the views and intentions of the persons by whom that act was brought into this House. In constructing this law Mr. Pitt expressly provided, that nothing which it contained should be held as not liable to such further alterations and amendments as circumstances might, from time to time, appear to require. Sir, it carries the principle of modification or repeal even to the reserved lands, allotted for the use and maintenance of the Established Church in Canada. It is therefore clearly apparent, that we are quite as much at liberty to consider the act of 1791, with reference to the amendment of any imperfection or defect contained in it, as we are at liberty to consider in a similar manner any other act of the legislature. Sir, I look upon it as extremely fortunate, that no doubt can exist on this point. I am glad that the supreme power of the British parliament to deal with defects or difficulties of this nature, and to reform the previous acts of the legislature, in regard to the government of our Canadian territories, cannot be disputed. I am the rather disposed to rejoice at this circumstance, because, standing aloof, as we do, from the party feelings and local jealousies of the Canadians, our decision will be the more respected; first, as coming from a high and competent authority; and next, on account of our manifest impartiality. On both these grounds I am satisfied that the final determination of parliament, in regard to the civil government of the Canadas, will be cheerfully received, and readily acquiesced in. In this view of the subject I confess I feel sanguine of the result of our interference. I consider it calculated to allay all the animosities of the Canadians, and, if wisely conducted well adapted to place the system of government in our North American territories on a satisfactory and permanent footing; thus conducing at once to the manifest benefit of the colonies, and to the interests of the mother country. Sir, I feel most anxious to save the time of the House as much as possible, and with that view I shall not enter into details of the various changes that have taken place.

The House is aware that the Canadas were ceded, in full sovereignty, to the British Crown, by the French nation, in the year 1763. They were then ceded to this country, without any stipulation or obligation whatever, with respect to the mode in which they were to be administered. So far from there being any condition or qualification connected with the surrender of these provinces, they were yielded up to England by France in full sovereignty and complete possession, as in the case of a new conquest. Perhaps it may be necessary to state, that the country was settled by the French about the year 1660, when the first French governor was appointed. At this time the population was principally, if not wholly, confined to the banks of the river St. Lawrence, and the two towns then built, namely, Montreal and Quebec; and at the period of the conquest the French settlers did not exceed sixty-five thousand. This was the utmost extent of the colony at this epoch of its history. Although the population was so very limited, and although it was placed under circumstances, and with wants and necessities so different from what it could possibly have experienced in the mother country, it was thought wise and just by the French government, to graft on so extremely limited a stock, the whole of the feudal system of France, as it existed in all its odious deformities about the middle of the seventeenth century. We may apply to this conduct what had been said of those who built country seats about the same period —that they adopted all the faults and sacrifices of comfort observable at Versailles, only wanting its grandeur. Such was the state of Canada under the French *régime*: the feudal system flourished in all its vigour among a small population and in the midst of a desert. The mother country grafted upon the other institutions of her colony a law of succession—not the general French law of succession, which was that of primogeniture, but a system denominated "the Custom of Paris." So that, connecting the effects of this law of succession with the influence of the feudal system in Canada, while under the dominion of the French, the consequences to the colony were any thing rather than beneficial. The lords paramount held directly under the Crown, and granted certain portions of lands to their vassals. These seignories (according to the law of succession to which I have alluded) were not capable of severance; but they were divided and subdivided ever since the period of their first institution. They were to remain indivisible, because the holder of the land owed suit and service to the lord paramount. Now, however, they are subdivided into shares so minute as to be greatly to the advantage of those who administered the existing system of civil law; at the same time that the circumstance is equally disadvantageous to the interests of persons possessing or claiming to possess property in them. Such is the natural consequence and effect of the complicated state of tenures in the Canadas. It was no longer ago than this morning that I saw in a Canada paper an advertisement of the sale of a one-thirteenth of a hundredth part of a lordship. Some of the notices of sale in these colonies are extremely curious, and comprehend fractional parts of fractions of estates, of a nature to puzzle Mr. Finlayson himself, with all his skill in figures. We read constantly of the third of a seventh, and the half of a sixth of a lordship to be disposed of. I recollect a notice of the sale of a forty-fourth of a fourth of a tenth of a sixth share of an estate; another, of an eleventh of a fourth of a fifth of a sixth; and another of a forty-fourth of a fifth of a sixth. Under this curious and rather puzzling state of the law, by which seignories are divided into such impracticable shares, it is almost impossible for any person to tell to whom it is that he owes suit and service. Yet a great many duties are imposed under the feudal system, some of them to be paid in kind and some in money. For instance, there are fines—annual duties on all alienations of property —and various rights and duties of a most vexatious and harassing nature. Very shortly after the treaty, by which, in 1763, Canada was ceded to the Crown, the king of England issued a proclamation, inviting such of his subjects as were so disposed to settle in the newly-acquired territory; declaring the royal intention shortly to confer a Legislative Assembly on the colony; and informing them, that all persons settling in the country should forthwith enjoy the benefit and protection derivable from British laws and courts of justice. Until the year 1774, British laws were, as far as possible, introduced and carried into effect in the colony. British courts of justice were established, with proper judges to administer the law, and the whole system of British judicature was set on foot, according to the terms of his majesty's proclamation. The other part of the proclamation, however, containing an assurance relative to the appointment of a Legislative Assembly, was not carried into effect. In 1774, from the situation in which other provinces of America, then belonging to the Crown, were placed, it was not thought expedient, by the government of the day, to grant a Legislative Assembly to Canada. It appeared, about this time, that the Canadians were greatly attached to their original system of legislation, and not well satisfied with that more recently introduced amongst them. Accordingly, it being thought desirable to conciliate the loyalty, affection, and good-will, of our Canadian subjects at that juncture, in 1774 it was, for the first time mentioned in parliament, that it would be desirable to pass an act of the legislature, not for the purpose of making good the assurance of 1763, but to recall all the pledges relative to the formation of a system of British jurisprudence, and the establishment of British courts of justice. A bill was accordingly brought into the House of Commons, for the purpose of effecting this object. The preamble of the act was suggested by, and drawn up in compliance with, the wishes and feelings of the Canadians, and went upon the principle, that the French laws, to which they had been long accustomed, were well adapted to their situation and circumstances. The bill itself recalls all the declarations contained in the proclamation of 1763; re-establishes the French laws and customs as they regard property, and the system of civil law, including the Custom of Paris. However, the same act makes provisions for retaining the administration of the criminal law of England in Canada; which, from 1774, was to be governed by the civil law of France, and the criminal code of England. Between the years 1763 and 1774, the Crown had proceeded to make grants of land in Canada, with a view to the settlement of the colony, by an additional number of new inhabitants. In all grants, out of immediate lordships, the lands were held under tenures of free or common soccage, as contradistinguished from seignories. The holders were placed under the influence of an unintelligible system of law. One estate was held by common soccage, another by a different tenure. With respect to civil rights, as I have already said, the French law and administration was established; but the English system of jurisprudence prevailed in criminal matters. In the same year, 1774, another important act, and one well calculated to conciliate the favourable feelings and loyalty of the Canadians towards the Crown, received the sanction of the legislature. By this act, it was provided, that all customs and duties (and they were numerous, onerous, and oppressive), heretofore imposed on the colonists by France, and from the date of the conquest to that year payable to England, should thenceforth and for ever cease and determine. In lieu of these imposts, the act appointed other duties of a more easy and equitable nature; the produce of which was to be appropriated, not to the advantage of the mother country, but to defray the expenses necessarily attendant on the administration of civil justice, and the maintenance of the local government of Canada. Thus, in the memorable year, 1774, two boons were afforded to the Canadians; the first of which was, the restoration of the system of civil law, of which they approved, and under which they had before lived; the other consisted in the recognition, by this country, of the established religion, and a provision being made for its maintenance and support. The latter is a boon which I sincerely trust may never be withdrawn. I have spoken of these two measures adopted by England, as boons to the Canadians; for such they were certainly considered by them at the time, whatever may have been the subsequent effects of one of them: suffice it to say, they were afforded in a spirit of conciliation, and accepted with feelings of gratitude and satisfaction. Of the recognition and establishment of the prevailing religion in Canada, in 1774, I have already spoken in terms of approbation, and have only to repeat my hope, that the gift may never be disturbed. No doubt, it was thankfully received, and is gratefully remembered. The other boon; namely, the restoration of the system of French law, and administration in civil cases, was, in all probability, quite as much prized at the time by the parties, as the provision made for recognising their religious faith. I am satisfied, however, that if not then restored and re-established, the laws in question (which are unfriendly to commerce, and repugnant to enlightened principles of unrestricted dealing) must soon have disappeared under the influence of British enterprise. But, passing by this topic for the present, I may be allowed to remark, that the abolition of the French duties, and the imposition of other and less burthensome taxes, the proceeds of which were applied to the support of the Colonial Government and institutions, was in itself a considerable benefit to the Canadians.

In 1778, a law was passed in this country, which, although not immediately bearing upon, or having reference to, Canada, was yet of considerable importance, as well to that as to our other colonies. I allude to the Declaratory act, by which this country relinquished all future right to tax its colonies, granting them the power to impose duties themselves, which duties were to be applied to the support of their own institutions and establishments, and were not to form part of the revenue of Great Britain. At this time there existed, perhaps, a doubt, as to whether the act applied to Canada. Some thought that the bill was only meant to apply to our colonies in the West Indies, and to those places in America that retained their allegiance to England, and had legislative assemblies of their own, which were hereby authorised to tax themselves. But, however the fact might be, in this state Canada remained until the year 1791, when it was thought necessary by Mr. Pitt to introduce his bill, since known by the appellation of the Quebec Act. This law attracted more notice at the time of its enactment, principally on account of the then state of parties in the House of Commons, than it might, in all probability, have otherwise done, by reason of its intrinsic interest or importance. Mr. Pitt thought it no more than was due to the growing importance and wealth of Canada, to give that colony a popular representation. By one of the provisions of this act, the right and control over all imposts was vested in an Assembly, to be so constituted. We should bear this circumstance in mind, because what now exists has reference to this act. By the act of 1774, the system of civil law of the colony was established, and provisions were made for the support of its government, by means of moderate duties then imposed. Under the act of 1791, all duties were to be imposed and appropriated as the colonial legislature should determine. Another object of the act was, to divide the colony into two separate provinces—(Upper and Lower Canada), giving to each a separate legislature. It was considered desirable to encourage loyalists and disbanded soldiers to become settlers in Upper Canada, where there were no French settlers, and no feudal system was in operation. The act provided, that, in the province of Lower Canada, the legislative assembly should consist of not less than fifty members, while in Upper Canada (then about to be settled) the population being more scanty, the minimum of members of assembly was fixed at fifteen. In Upper Canada the assembly was to be increased, as the province should become more thickly peopled. These details were left to those persons who administered the government in the colony. The gallant officer who administered the government of Canada in 1792, divided it into eighteen counties, each sending two members to the assembly: three counties sending each one representative; two cities privileged to elect four members; one town sending two members, and one electing one representative; making a total of fifty. What I complain of is, that the representation was not equally distributed; it is a great error to take the density of population many years ago, and apply it, as a permanent standard, to the number of representatives to be chosen for particular places and departments. The effect of this erroneous principle has necessarily been, to throw the chief power of representation into the hands of the seignories. The same defect exists in Upper as in Lower Canada. The English settlers are excluded from a fair participation in what ought to be a popular representation, and the power of election is thrown into the hands of the descendants of the French. I state these complaints with the more confidence, because, in all parts of Canada, it is agreed that the present system works so ill as to stand in need of alteration. Under the present practice, the English settler is exposed to great inconvenience, and suffers an unjust exclusion from advantages of which it is only just that he should enjoy a reasonable share. I allude now to the condition of our countrymen in Lower Canada; but, in doing so, I do not desire to make it a matter of charge against those who represent the French seignories, that they act as they do. It is the system, and not the individuals, that requires reformation. There is no possibility of suing or being sued, except in the French courts, and according to the French form and practice—no mode of transacting commercial business, except under French customs, now obsolete in France. In Lower Canada they go upon the law and system of feudal tenure, and the law is more incapable of ever being improved or modified by the progress of information and knowledge, than if it still remained the system of France and the model of her dependencies. Here, in the midst of a wilderness, flourishes the French feudal system, and the custom of Paris of centuries ago. The result is, that Englishmen in Canada are as much like aliens and settlers in foreign land, as an equal number of British subjects, who should have sat down in the centre of France in the thirteenth century. It is not therefore to be wondered at, that our countrymen have had to encounter considerable difficulty in Lower Canada, and that but a slow progress has been made towards the settlement of that province, as compared with the Upper province. In fact, the inconvenience of the existing condition of things cannot be well understood in this country. In this colony the law of mortgage is in the worst state. The registration of deeds is another point deserving attention; and the laws and usages relating to the formation of roads are those of the old French feudal system. The consequence has been, that in the last fifteen years not one single Road-bill has been passed by the legislative assembly of that province. Thus, there is no opportunity afforded the English townships of communicating with the river St. Lawrence, except by some of its tributary streams, on account of the interposition of the seigneuries between them and that river. In the same manner, another part of what I consider an important public duty in a legislative assembly was overlooked—I mean the education of the children of the settlers. That is a subject never thought of. In point of fact, the state of things is such, that the settlers feel more disposed to connect themselves with those districts which border on the United States, where they can better have their wants of this description supplied, and receive the benefits of the administration of justice, than to remain in the country to which they owe allegiance. These evils, Sir, have, I regret to say, been of some standing, but they have been more severely felt, as the capital and population of this country have been directed to these colonies, and as they have become of greater importance to the interests of the mother country. Having become sensible of the evil, the question now arises as to what remedy shall be applied to it. There was one suggested, and which was attempted to be carried into effect about four years back, by which the two legislatures were to be incorporated into one; that is, the Upper, or English part of the province, was to be reunited under one government, with the French or lower part of it. There were various grounds on which the bill which my right hon. friend introduced with that view, were opposed, but the principle, I believe, was the lateness of the session at which it was brought forward, and the consequent fewness of the members that would have been present at the discussion of so important a question. That bill, therefore, did not pass. Whether the remedy it proposed is the best that can be imagined, I will not undertake to say; but it is certainly open to many serious objections. Those, however, will be proper subjects for the consideration of the committee I mean to propose. Another remedy that has been suggested is to form all the English townships, as they are, for the sake of distinction, called, into a third province. To that scheme, also, the objections are numerous and serious. Indeed, none that have been devised have not been subject to many objections. It will be the duty of the committee to point out that course which presents the least of those objections, to reconcile the conflicting pretensions of the different parties, and thus to remove the great obstacles to the improvement of this important colony.

But, Sir, these are not the only considerations that have induced me to recommend the House to take into its consideration the state of the civil government of Canada. Besides the obstacles I have mentioned, as lying in the way of the happiness of this colony, another, of a most formidable nature, has grown up out of the state of the representative system, as I have described it. I allude to the disputes which have arisen, concerning the extent of control which the colonial legislature should have over the public revenue of the colony and its fiscal regulations. I have already stated that, in 1774, all the taxes that had been imposed under the French regime were abrogated, and other duties levied in their stead, which were appropriated by the Crown to defray the expenses of the administration of justice, and of the civil establishment of the colony. The duties, thus levied, in lieu of the old French ones, I may describe technically as the permanent revenue of the Crown. It amounts to about 35,000*l.* per annum, and has been applied to the purposes for which it was appropriated by the act of 1774. Besides this, the Crown has a small revenue called the casualty revenue, which consists of fines, forfeitures, and other incomings, belonging to the Crown as the Lord Paramount. This revenue amounts to about 5,000*l.* per annum, and is at the absolute disposal of the Crown; but this also has been appropriated to the civil services of the country. The remaining revenue of the colony arises from taxes imposed since 1791, by the colonial legislature. Part of this revenue the Assembly has appropriated specifically to discharge the expenses of its own sittings, and part to the improvement of the navigation of the river St. Lawrence. The remainder has been appropriated by the legislature to the different expenses of the colony generally. The amount thus collected, by the taxes imposed by the Assembly, has been, upon an average, about 140,000*l.* per annum. There are also some small sums raised, by virtue of acts of this House, passed for the purpose of regulating the trade of the colony. For some time after the passing of the act in 1774, nothing could go on more smoothly than the system it established. The Crown had divested itself of the power it had over the permanent revenue; and the sum raised under that name, although small, was sufficient for the maintenance of the civil service, and of the judicial establishments. Afterwards, however, the necessity of making roads, and numerous other expenses incidental to a rising colony, rendered this sum insufficient. It became necessary, therefore, to raise a larger sum; and this was done by the authority of the House of Assembly. By what degrees, in what manner, and under what circumstances, a difference grew up between the local legislature and the executive government, it is not necessary I should trace, for any of the purposes I have now in view. The present state of the controversy, however, is of this nature. The House of Assembly of Lower Canada claims the right of appropriating the permanent revenue item by item; that is to say, the right of deciding what branches of the civil service, and what of the judicial establishments, should receive their incomes, and in what portions, from this fund. On the other part, it is maintained, and, as it appears to me, in a manner absolutely incontrovertible in law, that the Crown possesses over this revenue a discretionary power, as to the proportions in which it is to be distributed, provided it be for purposes directed by the act. I believe there is no lawyer in this country, nor indeed any one in the least acquainted with the relative situations of the parties, who will deny, that as long as the Crown appropriates that revenue to the administration of justice in Canada, and to its civil government, pursuant to the words of the act of 1774—as long as it fulfils all the conditions required by good faith towards the Canadians, no one, I say, will deny its right to prescribe the mode in which the revenue, consistently with that act, shall be expended. There is no one who will not say, that the pretensions of the legislative body to take the whole management of this money into its own hands, are neither founded in law nor practice. On the other hand, the House of Assembly holding the public purse in its hands, having the complete command of the general revenue, in order to enforce its unreasonable pretensions, have refused to appropriate any part of the larger revenue, of which they have the command, unless the appropriation of the permanent Crown revenue be given up to them also.

This, Sir, is the state of the controversy between the Executive and Legislative body in Canada. The consequences of the agitation of such a question as this, in which both parties have stood upon their extreme rights, have been most unfortunate. One of the consequences has been, the necessity under which the representative of the king has found himself, of appropriating money for the necessary services of the colony, without the sanction of the colonial legislature. Such a thing as this in a country with a Legislative Assembly, can only be justified by the absolute necessity of preventing general confusion, and the subversion of the government. I do not stand here—living as I do, in a country where the rights of the popular branch of the legislature to control the expenditure of the money it raises are so well known and universally acknowledged—to defend the abstract propriety of a governor of a colony, appropriating its revenue without the sanction of an act of the legislature, as required by law; but, pressed by necessity, it ought not perhaps to be wondered at, however we may regret the necessity, that a governor should take all the means in his power to maintain the tranquillity of the place committed to his charge. When principles are pressed to the extreme, a legislature may, no doubt, distress the executive government of a country, and so wear it out by continued opposition, as to have the point in dispute conceded; but what, in the mean time, are the unfortunate results to the people? What, in the midst of these conflicts, has been the result to the province of Canada? Nothing was expended, of the money raised in this irregular manner, but what was absolutely necessary to carry on the government of the province: all improvement was at a stand; the roads were neglected; education was overlooked; the public buildings were suffered to fall to decay, and the country generally brought to such a state that there was not a Canadian whose interests did not suffer.

Sir, the recurrence of such a state of things it is our duty to prevent, and I think I have made out a case sufficient to convince the House, that, if we have the right and the power, the time is come which warrants me in calling upon parliament to interpose its authority, for the purpose of quieting these feuds, and of establishing such a system of civil government in Canada, as may give a fair share to all parties in the province, of the administration of the revenues, so as to render them available for the improvement of the country—such a system as will, on the one hand, give to the Legislative Assembly the power of directing the whole application of funds for the internal improvement of the province, and, on the other, restrain them from the exercise of any authority over what I may call the civil list. Every man who knows any thing of the country must be aware of the unfitness of the king's representative in the government, and the judicial establishment for the administration of criminal justice, which is the same as that of England, depending for their stipends upon the varying judgments of a popular assembly. The inexpediency of this, with regard to the judicial establishment, which in its administration of justice might often come into collision with the members of the Assembly, whose judgment is every year to regulate the reward of their services, must be particularly obvious. Judges have duties to perform, which render it essential that they should be perfectly independent.

I trust I need say no more to convince the House, that the system wished to be established by the Canadian legislature is not compatible with the independence and dignity, either of the king's representative or the criminal judges. Out of what particular fund these charges should be defrayed, I am not prepared to say; but the present plan of paying a fixed sum out of a variable revenue, I certainly think might be amended. I think some mode might be found, for establishing what I have styled the civil list; from which the salaries of the judicial and other departments should be granted for life: or in any other way that would answer the object I have in view. The remainder of the revenue should then be left at the free disposal of the Colonial legislature. I must here, in justice to the king's government in Canada, claim for them their due. So far were they from wishing to have the control over any further sum than that to which I have alluded, that they never hesitated, during the whole of these troubles, to lay before the legislature of the province an account of the application of the revenue, in order that the Assembly might be assured there was no misapplication of it. The government there are perfectly willing, it is evident from this, to accede to the suggestion I have just made respecting the share of control it shall have over the Colonial revenue.

Sir, I do not think there are any other topics connected with the present state of Canada, which would justify me in detaining the House longer, as I trust I have said sufficient to support me in the motion I intend to make. There are two grounds on which I principally rest. The first is the state of the Representative system in Lower Canada, and the situation of the revenue in respect to the administration of Justice; the second is the controversy which has grown up respecting the powers of the Executive and Legislative bodies. The case I have made out on those two points is sufficient, I trust, to entitle me to the committee for which I mean to move. Before I sit down, I beg only to add a word or two, respecting a point which has been insinuated in this House, and discussed in other places. I allude to what has been said respecting the policy of giving up the colony altogether. Those who think it would be politic to do so, may say that we ought to spare ourselves the trouble of improving the state of the provinces, by taking the wiser course of relinquishing them altogether. Let those who argue thus, consider that the inhabitants are our fellow subjects—and willing to fulfil all the obligations that their sworn allegiance to the Crown requires. I say that, whilst that is the case, they are entitled to claim from us that protection which their fidelity and good conduct have rendered them so worthy of. On the present occasion, I will not dilate on the importance of the connexion, in a naval, political and commercial, point of view, but I must remind the House, that the political honour, the good faith of this country, are pledged to the protection and support of the Canadian provinces, and warn them of the moral effect which will be produced throughout Europe and the world, by our voluntary relinquishment, if it may not rather be called abandonment, of our dominion over that quarter of the globe. No country more loudly, more justly, demands our support, our protection, than Canada. Her value to us, is not like that of Louisiana to France, to be estimated by pounds, shillings, and pence, nor ought it basely to be sold or bartered for money. We cannot part with our dominions there without doing an injustice to their fidelity, and tried attachment, and tarnishing the national honour. We are not at liberty to forego the high and important duties imposed on us by our relative situation towards those colonies. It is a country where no distinctions prevail, such as disturb some of our other territorial possessions abroad; there are no distinctions of castes, no slavery, which tend to engender dissention or disaffection. We have every were displayed marks of a paternal government, and planted improvement not only on our colonies there, but wherever our empire is acknowledged: we have carried thither our language, our laws, and our free institutions, and they cannot fail, in the fulness of time, to be free countries like our own. If it be said "this was true, but it has been done at a great sacrifice," I answer, that, in despite of that sacrifice, England still stands pre-eminent in power and in happiness above all other nations. I say, moreover, that we should be well paid for all the sacrifices we may yet be called upon to make, if we are to add to the rich harvest of glory we have already reaped, by being the parent of countries in which the same happiness and prosperity that have distinguished this country will, I trust, for ages to come, be enjoyed. That will be our reward for establishing our superfluous population, not only in America, but in other quarters of the world. What can be a prouder feeling for Englishmen than that England has done its duty to the world, by attempting, and successfully, to improve it? Whether Canada is to remain for ever dependent on England, or is to become an independent State—not, I trust, by hostile separation, but by amicable arrangement—it is still the duty and interest of this country to imbue it with English feeling, and benefit it with English laws and institutions. I move, Sir, "That a Select Committee be appointed to inquire into the State of the Civil Government of Canada, as Established by the 31st George 3rd, cap. 31, and Report their Observations and Opinions thereupon to the House."

Mr. *Labouchere* said, that he fully admitted that the parliament of Great Britain, in what Mr. Burke had termed its imperial capacity, possessed the power of interference and control over all the subordinate legislatures of our colonies, but he thought that this power should be used with extreme caution, and only on a clear case being made out of the imperative necessity for such interference. He thought a fair exception might be taken to the light attempted to be thrown on the views of Mr. Pitt, in framing the constitution of 1791, which was the great charter of Canadian liberties. He could not help saying, that if those views had been carried into more complete effect, and that if the free governments thus formed, had been administered more fully in the genuine spirit of that great minister, the prospects of the Canadas would have been much advanced, and the present discontents would not have existed there. Mr. Pitt attached the utmost importance to the independence of the legislative council in both provinces, and even went so far as to desire to create an order of nobility, of which it might consist, in the Lower Canada. But the present system was to fill the legislative councils with placemen and dependents upon the government, and in the lower province to throw the whole power of that body into the hands of the English minority. The right hon. gentleman, therefore, in his opinion, did injustice to the memory of Mr. Pitt, when he said that his plan had failed, that plan having, in fact, never been acted upon. With regard to Lower Canada, he trusted that the House would not lose sight of the state of its population. There were at present, about four hundred and forty thousand French, and eighty thousand English in that province. He felt as strongly as any one could do for the situation of the English minority. He felt that the government of this country were bound to do all that could be done in their behalf, and if the right hon. gentleman should do him the honour of naming him on the committee, no one would enter it with a more sincere desire to act on that feeling. He was a little alarmed, he would confess, at the manner in which the right hon. gentleman had spoken of the French system of laws; he had spoken of them as something barbarous, handed down from the middle ages, and as entitled to little respect in present times. But, whatever the right hon. gentleman might think of the system, or whatever the system in itself might be, the French were warmly attached to it, and that was a reason why it should be regarded with due consideration for their opinions or prejudices. He was no lawyer, but he was told that the Custom of Paris was the mildest of all the systems of feudal law, and he knew that every class of the French population preferred it to any other whatever. In relation to this subject he could not entirely pass over a point on which he wished, however, to speak with great reserve and caution. He regretted that lord Dalhousie had succeeded so ill in conciliating the affections of the people he was sent to govern, and that he had thought it necessary to have recourse to such strong and extreme measures towards the House of Assembly, and towards most respectable individuals, officers of that militia which had evinced in the late war, not merely the strictest fidelity, but the most enthusiastic loyalty to the British Crown and people. There was one point more, which he begged to press with peculiar anxiety on the right hon. gentleman. He hoped that he should have the satisfaction of hearing that right hon. gentleman declare more distinctly that he had no intention of taking these colonies by surprise, or to make any material alteration in their laws and constitutional rights, without giving them an opportunity of expressing their opinions upon such alteration. He felt the greater anxiety upon this point, when he recollected the manner in which these colonies had been treated by the government at Rome in the year 1822, which had been introduced into this House by a right hon. gentleman he saw in his place, the member for Newcastle (Mr. Wilmot Horton). It was with pain that he was obliged to connect the name of that right hon. gentleman with such a measure; but he could not help reminding the House, that it was at the close of the month of June, in a House composed of only sixty members, that the right hon. gentleman had thought proper to introduce his bill—a bill calculated to do no less than to destroy the constitution which Mr. Pitt and the parliament had solemnly bestowed upon the Canadas. The right hon. gentleman came down to the House, in order to take the House by surprise, and so he could assure the House that the colonies themselves had felt it. Sometime after this had happened, it had been his fortune to visit Canada, and he could aver, that the feeling of indignation and suspicion produced towards this government by the bill of 1822, was greater than those could well imagine who had not been witnesses of it. A right hon. and learned gentleman below him, whom he rejoiced to see in his place (sir J. Mackintosh) had been mainly instrumental in saving this House from the disgrace, and these colonies from the evils, that would have been consequent on such a measure. He hoped that what was about to be done now, would be done in a very opposite spirit, that it would be made the subject of pure deliberation, and above all, that nothing would be done until they knew what the colonies themselves wished. If we could not keep the Canadas with the good-will of the inhabitants, we could not keep them at all. He hoped that this all-important truth would never be lost sight of in any measure to be proposed. He could not sit down without thanking the right hon. gentleman for what he had said towards the conclusion of his speech, that as long as Canada desired British connection, this country could not desert her. He liked to hear such sentiments from the mouth of a British minister, and he agreed with the right hon. gentleman, that English honour, as well as English interests, were here concerned. It well became the spirit of the British nation, to place a high value on a colony associated in her annals with the trophies of Wolfe, and the genius of Chatham, and the still more honourable distinction conferred by the attachment of a people whose affections she had conquered by the inestimable gift of her own free and liberal institutions.

Sir *James Mackintosh* said—I think I may interpret fairly the general feeling of the House, when I express my congratulations upon the great extent of talent and information which the hon. member for St. Michael's has just displayed, and that I may venture to assert, he has given us full assurance, in his future progress, of proving a useful and valuable member of the parliament of this country. I cannot, also, avoid observing, that the laudable curiosity which carried him to visit that country, whose situation is now the subject of discussion; and, still more, the curiosity which led him to visit that imperial republic, which occupies the other best portion of the American continent, gave evidence of a mind actuated by enlarged and liberal views, and evinced a spirit of inquiry into scenes and subjects which have been disdained by the modern travellers who seek foreign countries from a passion for the fine arts, or as a source of elegant amusement.—After having presented a petition signed by eighty-seven thousand of the inhabitants of Canada, comprehending among its numbers nine-tenths of the heads of families in the province, and more than two-thirds of its landed proprietors; and after having shewn, that the petitioners had the gravest causes of complaint against the administration of the government in that colony; it would be an act of inconsistency on my part, to attempt to throw any obstacle in the way of that inquiry which the right hon. gentleman proposes. It might seem, indeed, a more natural course on my part, if I had seconded such a proposition. Perhaps I might have been contented to give a silent acquiescence to the appointment of the committee, and reserve any observations I may have to offer until some specific measures were proposed, or until the House was in possession of the information which may be procured through the labours of the committee—perhaps, I say, I might have been disposed to adopt this course, if I had not been intrusted by those persons with the presentation of their petition, and therefore bound by a sense of the trust reposed in me, to allow no opportunity to pass over of calling the attention of the House to the grievances of the petitioners, and to their claims for redress, and for the maintenance of their legitimate rights. This duty I hold myself bound to execute, according to the best of my ability, without sacrificing my judgment, or rendering it subordinate to any sense of duty, but feeling only that the confidence of the petitioners binds me to act on their behalf, and as their advocate, in precisely the same manner, and to the same extent, as if I had been invested with another character, and authorized to state their complaints in a different situation.

To begin, then, with the speech of the right hon. gentleman, I may take leave to observe, that in all that was contained in the latter part of it, he has my fullest and most cordial assent. In 1822, when the state of the Canadians was last before the House, I stated the principles which ought to be maintained with respect to what the right hon. gentleman has very properly and eloquently called the Great British Confederacy. I hold now, as I did then, that all the different portions of that confederacy are integral parts of the British empire; and, as such, entitled to the fullest protection. I hold that they are all bound together as one great class, by an alliance prior in importance to every other, more binding upon us than any treaty ever entered into with any state, and the fulfilment of which we can never desert without the sacrifice of a great moral duty. I hold that it can be a matter of no moment, in this bond of alliance, whether the parties be divided by seas and oceans, or be occupiers of two neighbouring countries. I hold that the moral bond of duty and protection is the same. My maxims of colonial policy are few and simple. A full and efficient protection from all foreign influence; full permission to conduct the whole of their own internal affairs; compelling them to pay all the reasonable expenses of their own government, and giving them, at the same time, a perfect control over the expenditure of the money; and imposing no restrictions of any kind upon the industry or traffic of the people. These are the only conditions which I would impose in the bond of alliance with the metropolitan government, and the only terms upon which I wish that all of them should be governed. These, too, are the only means by which the hitherto almost incurable evil of all distant governments can be either mitigated or removed. And it may be a matter of doubt whether, in such circumstances, the colonists would not be under a more gentle control, and in a happier state, than if they were to be admitted to a full participation in the rule, and brought under the immediate and full protection, of the parent government. This is my creed upon the subject of Colonies; and I agree most fully with the hon. gentleman who spoke last, when he expressed a wish, that we should leave the regulation of the internal affairs of colonies to the colonists, except in cases of the most urgent and manifest necessity. The most urgent necessity, I say; and few and rare ought to be the exceptions to the rule even upon the strength of those necessities. Under these circumstances of right, I contend, it is prudent to regard all our colonies, and peculiarly the population of these two great provinces; provinces placed in one of those rare and happy states of society, in which the progress of population must be regarded as a blessing to mankind; provinces exempt from the curse of fostering slavery—exempt from the evils produced by the contentions of jarring systems of religion, enjoying the blessings of universal toleration, and presenting a state of society the most unlike that can possibly be imagined to the fastidious distinctions of Europe. Exempt at once from the slavery of the West, and the castes of the East—exempt, too, from the embarrassments of that other great continent which we have chosen as a penal settlement, and in which the prejudices of society have been displayed, I regret to find, in a most unreasonable degree—exempt from all the artificial distinctions of the Old World, and many of the evils of the New, we see a great population rapidly growing up to be a great nation. None of the claims of such a population ought to be cast aside, and none of their complaints can deserve any but the most serious consideration.

The right hon. gentleman divided his speech into two parts; or rather, I ought to say, he entered into two different classes of reasoning, in order to prove the necessity for the Committee of Inquiry for which he has moved. In the first he declared, that the excesses and complaints of the colonists arose from the defect of their constitution, and next from certain contentions into which they had fallen with lord Dalhousie. In any thing I may say upon this occasion, I beg to be understood, that I do not cast any imputation upon the character of that noble lord: I speak merely of the acts of his government; and I wish solely to be understood as saying, that my opinion of the acts of that government are different from those which I conscientiously believe to have been his. I really, however, must say, that I thought the right hon. gentleman, in one part of his address, had indulged himself in some pleasantries which seemed ill-suited to the subject upon which he claimed our attention: I allude to the three essential grievances which he seemed to imagine led to many, if not all, of the discontents and complaints of the colonists. There was the perplexed system of the laws upon the subject of real property, which created such a vexatious delay, and such enormous costs to the suitor, that amounted very nearly to a denial of justice. This, the right hon. gentleman said, arose from the law called the Custom of Paris. The next cause of discontent the right hon. gentleman described as arising from the very inadequate representation of the people in parliament. That he recommended to the immediate attention of the committee, for the purpose of revision. And lastly, that the members of the legislature were so absurdly ignorant of the first principles of political economy as to have attempted to exclude all the industry and capital of other countries from flowing in to enrich and fertilise their shores. These were the three grounds upon which the right hon. gentleman had formally impeached the people of Canada, before the knights, citizens, and burgesses, of Great Britain and Ireland in parliament assembled. Did the right hon. gentleman never hear of any other system of law in any other country than Canada, in which a jumble of obsolete usages was mixed up and confounded with modern subtleties, until the mind of the most acute men of the age, or of the nation—men who had passed, in a service of forty years, through every stage of its gradations—were driven to declare, that they felt totally unable to find their way through its labyrinths, and were compelled, by their doubts of what was law and what was not, to add, in a most ruinous degree, to the expenses of the suitor? This system has been called the Common Law, the "wisdom of our ancestors," and various other venerable names. Did the right hon. gentleman never hear of a system of representation in any other country, totally irreconcilable either with the state of the population, or with any rule or principle under heaven? Have I not heard over and over again, from the lips of the right hon. gentleman, and from one whom, alas! I shall hear no more, that this inadequate system of representation possessed extraordinary advantages over those more systematic contrivances which resulted from the better-regulated systems of the constitution-makers of other countries? And yet it is for this very irregularity in their representation, that the Canadians are now to be brought before the judgment-seat of the right hon. gentleman's committee.—I felt still greater wonder, however, when I heard the right hon. gentleman mention his third ground of objection to the proceedings of the colonists, and his third cause of their discontent—their ignorance of political economy. Too surely the laws for the exclusion of the capital and industry of other countries did display the grossest ignorance of that science! I should not much wonder if I heard of the Canadians devising plans to prevent the entrance of a single grain of foreign corn into the provinces! I should not wonder to hear the members of their legislature, and their great land-owners, contending, that it was absolutely necessary the people should be able to raise all their own food; and consequently (although, perhaps, they do not see the consequence), to make every other nation in the world completely independent of their products or their industry. It was barely possible that some such nonsense as this might be uttered in the legislative assembly of the Canadians. The right hon. gentleman has alluded to the seigniors, and their vassals. Some of these "Most potent, grave, and reverend signiors" might happen to be jealous of their manorial rights, for seignoralties mean manors; and a seignior is only, therefore, a lord of the manor. How harmless this lofty word seems to be when translated! Some of these seigniors might happen, I say, to be jealous of their manorial privileges, and anxious for the preservation of their game. I am a very bad sportsman myself, and not well acquainted with the different objects of anxiety to such persons; but there may, too, be persons in these colonies who may take upon them to institute a rigorous inquiry into the state of their game, and into the best methods of preserving red game and black game, and pheasants and partridges; and who might be disposed to make it a question, whether any evils arose from the preservation of these things for their sport, or whether the safety, the liberty, and the life of their fellow-subjects, ought not to be sacrificed for their personal gratification?—In referring to the observations upon the subject of the Custom of Paris, I would beg the House to consider, that no change was made in it from 1760 to 1789; and although I admit, with the right hon. gentleman, that it may be bad as a system of conveyance, and as rendering the system of laws expensive, from the difficulties produced by mortgages, yet still I must contend, that the Canadians cannot be very ill off under a code of laws which grew up under the auspices of the parliament of Paris—a body comprising the greatest learning and talent ever brought to the study of the law, and boasting of the names of L'Hopital and Montesquieu. Neither can it be said, that the Assembly of Canada was so indifferent to its system of representation; for it ought to be recollected, that they passed a bill to amend it, although it was thrown out by the council; that is, in fact, by the government. At all events, this showed that there was no want of a disposition to amend the condition of their representation, although government might differ from them as to the best method of accomplishing that object.—A bill for establishing the independence of the judges was another of those remedial measures thrown out by the Upper House. As at present informed, however, without going further into those questions, I see enough stated in the petition upon the table of the House, to justify the appointment of a Committee of Inquiry. In every country, Sir, the wishes of the greater number of the inhabitants, and those in possession of the great mass of the property, ought to have great influence with the government; they ought to possess the power of the government; and if this be the case as a general rule, it ought, *à multi fortiori*, to be followed in the government of colonies by a distant country, to which the information that is to guide the government is sent by a few, and that information is never correct nor complete. It is only by following the opinion of the better-informed part of such a community, that it can be governed with any advantage. A government on the spot is exposed to delusion, but it has the means of obtaining correct information; but for a government at a distance, the only safe course to pursue is, to follow public opinion. In making the practical application of this principle, if I find the government of any country continually engaged in squabbles with the great mass of the people—if I find it engaged in vexatious controversies, and fostering ill-timed disputes, and especially if that government be the government of a colony—I say, there is a reasonable presumption against the government. I do not charge it with injustice, but I charge it with imprudence and indiscretion, and I say that it is unfit to hold the authority intrusted to it. The ten years of squabbles and hostility which have existed are a sufficient charge against the government. I was surprised to hear the right hon. gentleman put the people and the government on the same footing, in this respect. What is government good for, if not to temper the passions by its wisdom? The people are said to be deficient in those qualities, and government is presumed to possess them. If the people are not deficient, it is a fallacy to talk of the danger of intrusting them with political power. If they are deficient, where is the common sense of exacting from them the same moderation which government is instituted for the very purpose of supplying. Taking this to be true as a general principle, it cannot be false in its application to the question before the House. As I understand it, the House of Assembly has a right to appropriate the supplies which itself has granted. The House of Commons knows well how to appreciate that right, and should not quarrel with the House of Assembly for indulging in a similar feeling. The right hon. gentleman admits that the Assembly has this right; but the governor of Canada has infringed upon it. He appropriated 140,000*l.* without the authority of the Assembly. As to the revenue of 1777, the House of Assembly did not claim a right to appropriate it; they only claimed a right to examine the items of the appropriation, in order to ascertain if the government needed any fresh supplies. Before the Assembly can grant new supplies, it has a right to know how the permanent revenue had been applied. The petitioners from Canada state it as one of their not imaginary grievances, that they have lost 100,000*l.* of the public money by the neglect of the receiver. This is not one of those grievances which arise from the Assembly claiming political rights. The right hon. gentleman will not push to an extreme the rights of the government; he will rather, with that liberality which distinguishes him, give instructions to the governors of all the British colonies to be wise, and not to wrangle with the legislative assemblies; he will not encourage contentions for right between the executive and the legislative; and he will instruct them, that nothing is lost by any government in yielding to the wishes of the people, when expressed by their representatives; and that the government of the colonies can only be strong when seconded by the people. If the dispute was to be continued, where would it end? One dispute arises from the governor claiming—in imitation of the power possessed by the king to confirm the Speaker of the House of Commons—a right to confirm the Speaker of the House of Assembly.—This is a very ancient right, and venerable from its antiquity, and from being an established part of an excellent constitution; but it is most absurd in a governor of a colony; and it is a sufficient charge against him, that, on such a claim, he engaged in a battle with the representatives of the people; and it is most unfortunate for the governor, that the only time when this right was brought into question in England was one of the worst periods, and under one of the worst of our kings. But I will not now investigate the question, nor enter into any legal reasoning with respect to it; for no discussion in any case can, as I feel, be put in competition with the feelings of the whole people. There is nothing so unfortunate as an infatuated mistrust of the people in a government; and there is nothing which is a stronger indication of its precariousness, and which will so surely lead to its fall. It is a fatal error in the rulers of a country to despise the people: its safety, honour, and strength are best preserved by consulting their wishes and feelings. The government of Quebec, despising these considerations, has been long engaged in a scuffle with the people, and has thought hard words and hard blows not inconsistent with its dignity. I observe, that twenty-one bills were passed by the Lower House of Assembly in 1827—most of them reformatory. Of those twenty-one bills, not one was approved of by the Upper House. Is the governor responsible for this? I answer, he is. The Council is nothing better than the tool of the government. It is not a fair and just constitutional check, between the popular Assembly and the governor; but it is the governor's council. The counsellors are all creatures of the governor; and they sit in council, not to examine the bills sent to them, but to concur in the acts of the governor. Of these counsellors, consisting of twenty.

seven gentlemen, seventeen hold places under the government at pleasure. These seventeen divide amongst themselves 15,000*l.* of the public money; which is not a small sum in a country where 1,000*l.* a year is a large income for a country gentleman. I omit the bishop, who is, perhaps, rather inclined to authority, but of a pacific character. The nine remaining counsellors were worn out by opposing the seventeen, and at present have withdrawn from attending its deliberations; and two of them, being the most considerable landowners of the province, were among the subscribers to the petition. Under these circumstances, I appeal to the House if the Canadians are not justified in considering the very existence of this council as a constitutional grievance? It has been said, by the hon. member, that there is no aristocracy formed in the province, though, according to Mr. Peel's bill, one was to have been formed. It is not possible that this part of his plan could ever be carried into execution: an aristocracy cannot be created; it is the creature of time and opinion, and is not formed by law. There is no aristocracy formed; but men of great merit and superior qualifications get an influence over the people, and they form a species of aristocracy differing from an aristocracy by birth and descent, but supplying the materials out of which a constitutional senate may be constructed. Such an aristocracy there is in Canada; but they are excluded from the council by the governor, and those who are not connected with the government are not elected to be members of the council. This was a serious grievance, and the very existence of such a council to the Crown in such a country was one of the prime grievances of the people.—There are, then, two specific classes of grievances complained of by the Canadians: the first is, the continued hostility to all the projected measures of the Assembly, by the governor; the second is, the use he makes of a council to oppose them. This is the ground on which inquiry and change are demanded; but these are things which the government might have remedied. It might have made up a council of better councillors; and it might have sent out instructions to the governor to consult the feelings of the people. All wise sovereigns do so; and our ministers, with their usual liberality, should have given some wholesome instructions to the governor of Canada, and pointed out to him the example of a government which gave way to the wishes and the views of a majority of the people, expressed by a majority of their representatives—and gave way to the opinion of the majority on a question of religious liberty, and which, instead of weakening the government, had seated it more firmly in the hearts of the people.—I do not look on these circumstances as requiring any change in the constitution. On reviewing the whole question, the only practical remedy which I see is to introduce more prudence and discretion into the councils of the administration of the province. I should listen, with respect and attention, to any specific circumstances requiring an alteration; but I have heard nothing from the right hon. gentleman this evening which a better temper might not have averted. If such circumstances were stated, I should ask, what share of them falls to the constitution, and what to the person of the governor and to the administration? These are grave questions, and the right hon. gentleman would do well to examine them more closely, and give a clear answer to them, before he puts the constitution of two provinces on its trial. I should like to hear, Sir, first, an account of the specific evils; and, secondly, what share of them is due to personal failures, and what to faults in the constitution. The right hon. gentleman had addressed himself to the feelings of the House, not with a view to excite our sympathy for the sufferings of the petitioners, but to interest us in behalf of the English inhabitants of Canada; and he has made, in several parts of his speech, allusions to the English settlers in that country, as if they were oppressed by the natives. But I ask, what law has been passed by the Assembly of Lower Canada that is unequal or unjust towards the English settlers? What law applies distinctly to them? As a remedy, is it proposed to change the representation? The English inhabitants of Lower Canada, who must be the foundation of such a change, amount to eighty thousand; and what influence can they have against upwards of four hundred thousand natives or Canadians, possessed of all the land and property of the country? The English settlers, with some few exceptions, are collected in towns; and they consist, in a great measure, of merchants, or the agents of merchants. They are very respectable persons, I have no doubt; but would it not be the height of injustice to give them that influence, which the Canadians, from their number and property, ought to possess? Sir, when I hear of an inquiry on account of measures necessary to protect the English settlers, I greatly lament that any such language should be used; and I should regard it as a very bad symptom if the House were disposed to treat as a favoured race, as a ruling caste, any body of men, and to look on them as placed in one of our colonies to watch over the rest of the inhabitants. Shall we have an English colony in Canada separate from the rest of the inhabitants? Shall the English be a favoured body? Shall they have different privileges? Shall they have a sympathy with English interests and Protestant ascendancy? And shall we deal out to them six hundred years of misery, as we had dealt out to Ireland, from having in that country an English colony with English sympathies and English interests? Let us not, in God's name, introduce such curses into another region. Let the policy of this country be, to give to all classes equal law and equal justice; and let it not be supposed that the native Canadians are less entitled to be considered subjects of the king, or less entitled to the protection of the law, than the English inhabitants. I consider all his majesty's subjects in Canada to be equal. I cannot listen to unwise distinctions generating alarm, which can lead to nothing but what is evil, without adverting to them. We must consider that Canada cannot be long held, unless it be justly governed, and it will be wise to abstain from any expressions, even in this House, which shall tend to make a distinction between the English and the other inhabitants. For my part, I cannot but consider the least hint about different races—the least notion of the two classes being different people—as extremely dangerous; and I shall be glad if my observations supply the gentlemen opposite with an opportunity of disavowing —knowing as I do that the disavowal will be sincere—that any such distinction is to be kept up.

As to Upper Canada, the plans and statements of the right hon. gentleman appear to me to be very scanty of information, and not to point out, as is usual in proposing such a committee, what is to be the termination of the change proposed. According to common sense they should see the way to the termination of their labours, before they engaged in them; but neither the claims of the right hon. gentleman to have a committee had been justified, nor had his plans been clearly developed. The right hon. gentleman has thrown out two or three plans; but he has found objections to them all. To the plan for the union of the two provinces, there are so many and such powerful objections, that I think the measure will not speedily come to a conclusion. The proposed measure of 1822 had excited alarm, and made all the colonies of Great Britain look with anxiety and mistrust to the councils of the mother country. The union proposed in 1822 was intended to weaken the bitterness of the House of Assembly in Lower Canada, by an infusion from Upper Canada; but it seems that the right hon. gentleman felt that this plan was not practicable. The Assembly of Upper Canada is as independent as the Assembly of Lower Canada. I have heard of some of their measures—an Alien bill, a Catholic bill, a Jury bill, and a bill for Regulating the Press; and these discussions were managed with as much spirit as those of an Assembly which I will not say is better, but which has the good fortune to be their superiors.—The right hon. gentleman has also spoken of separating the English settlers; but he appears as little satisfied with this plan as the other, and has a great many objections to it. I do not know the merits of these measures; but what he has stated shews that his plan is not calculated to remedy the grievances of which the Canadians complain. I do not know what other plans are to be brought forward; but I think the wisest measure would be to send out a temperate governor, with full instructions to be candid, and supply him with an administrative council, which should introduce such reforms as would put an end to the present disputes, and infuse a better spirit into the administration than it has known for the last ten years.—In Upper Canada, the people were much disappointed by the immense grants of land which had been made to the Church of England, and the reserves kept for a church which is not the religion of the majority of the people. Such endowments may be held sacred when they have been long made, but I do not see the propriety of now making such endowments for a church which is not the religion of the people; nor do I understand the regulations which have been made for the new college of Upper Canada. I see with astonishment that in a country, where the majority of the people do not belong to the Church of England, the professors must all subscribe the Thirty-nine Articles; so that if Dr. Adam Smith were alive, he could not fill the chair of Political Economy, and Dr. Black would be excluded from the chair of Chemistry. It was, I contend, absurd that in a country where there are no tests, the public instructors should be compelled to subscribe to the religion of the minority of the people. Another thing should be considered; namely, that a large portion of the population of Canada consist of American settlers, who have been brought up in the most extended notions of liberty, and who can, least of all men, endure the intrusion of law into the domains of conscience and religion. It is a bad augury, I think, for the administration of the colony, that opinions, prevalent at the distance of some thousands of miles, should be the foundation of the charter of the new college; and it is still worse, that if those opinions be only the opinions of a faction, we cannot interpose to correct the injustice. There are two cases in which parliament may properly interpose. The first is, when there is a difference between the different provinces; and the second, when it may be necessary to prevent flagrant injustice committed by one part of the population against the other. In either of these cases, the House may interpose. I think the grounds laid for the interference by a committee, the scantiest that ever were laid, except those in 1822; which ought to be looked on as a warning rather than a precedent. I wish, however, to state, that I have not come to a final judgment, but have merely described what the bearing of my mind is on those general maxims of colonial policy, any deviation from which is as inconsistent with national policy as it is with national justice.

Mr. *Wilmot Horton* said, the right hon. member appeared to have completely misunderstood the argument upon which his right hon. friend had grounded his demand of a committee. But, before he entered upon this question, he wished to make one simple statement. The right hon. member had said, that an attempt was made by his majesty's government, in 1822, to bring about a union between the two provinces of Canada, contrary to their feelings and wishes, in a House in which there were only sixty members present. The fact was, however, that the question was brought forward, much to their inconvenience. A late member for Coventry, no longer in that House, assured him, in writing, that his political friends were so convinced of the benefits to be derived from such a measure, that no opposition on their parts would be given, but that, on the contrary, it had only to be presented to be carried through the House. He repeated, that this statement had been made in writing; and he considered that never was there a man worse used. He said, plainly, that an instance of greater baseness had never been exhibited. He was in possession of the communication in which that statement was made, and one word would make him produce it. The right hon. gentleman had argued, that because the colony was French—because it had fallen into our hands by conquest—it ought to remain French to the end of time. Now, he thought it became that House to declare, what plan of colonial policy it was their intention to pursue. He agreed with the right hon. member as to the basis upon which it ought to be fixed. The argument was, that the colony was French, the laws were French. He admitted this; and also that a settler, even if an Englishman, was bound by those laws. But this did not prevent parliament from interfering to modify those laws; else what became of the right hon. member's reasoning respecting the Dutch laws of the Cape of Good Hope, or the Spanish laws of Trinidad, which he declared it scandalous for an Englishman to be subjected to, as being contrary to all his feelings and prejudices. For himself, he would never flinch from the proposition that all our colonies should be Anglicised rather than preserved in their original form. The quotation from Mr. Pitt convinced him, that the idea of that great man was, that the French Canadians would, in the course of time, become imbued with English feelings and sentiments, and that their laws would be changed progressively, until they became assimilated to those of England. But it had been decidedly the contrary. There were three points upon which the right hon. member had displayed more wit than sound argument. He had spoken of the law of property, without considering that the question was not, how that law affected the French, but also the other inhabitants of Canada; for the French held, that their law extended not only over the Seigneuries, but over the whole surface. That law was peculiarly defective as respected mortgages; which any man might execute, whether he possessed an acre of land or not. There were in Canada two hundred and fifty public notaries, before any one of whom they might be executed; and there was no registration, nor any means of the mortgagees knowing if any previous mortgage existed, or if there was any land to mortgage, all the notaries being bound to secrecy. The consequence was, that there was no confidence in the transmission of property from one hand to another. He asked, would they decide on giving a triumph to those who favoured the French class when such were the principles of their laws? The right hon. gentleman had made one great mistake. He (Mr. H.) held in his hand a petition from Lower Canada, complaining of the English parliament imposing a tax of any kind on Lower Canada; and he would ask the House, whether they had not a right to impose duties when they granted protection; and were they to be debarred from legislating on trade? for if so, their colonial system was at once and for ever at an end. The petition contained another clause, which was, if possible, still more unreasonable; it was, that the king had no right to interfere with feudal tenures; which he considered to be a most extravagant proposition.—Again, with respect to the complaint, that the Assembly of Lower Canada had not a sufficient control over the expenditure of the revenue; that they had not a sufficient cognizance of the appropriation of the money. This he could not admit. The whole of the accounts were laid before the Assembly in the fullest detail. There was a reservation of an appropriation of a sum of money for the maintenance of the civil list. This was the only portion of the expenditure, reserved by a former act of parliament, over which the House of Assembly had not a certain control; and because this was not also submitted to their control, they refused to exercise their constitutional superintendence over the other items of the revenue. The salary of the judges was a payment, and the renewal of it from year to year might be very agreeable to the feelings of members of the House of Assembly, as it afforded an opportunity of removing judges whose conduct may have been obnoxious to the members of that body; but it appeared to him more consistent with the principles of sound justice and impartial law, that the judges should be permanent, and their salaries fixed. This was a subject, among others, which might well engage the attention of the committee, for which his right hon. friend had moved. The result of the inquiries of that committee would be, he trusted, to improve the system of colonial administration generally, and of correcting the anomalies which had sprung up in the lapse of years. He was anxious that the notion should not go abroad, that there was the slightest disposition entertained, on the part of this country, to relinquish her colonial superintendence; such a notion, if permitted to prevail, would work extensive evil; on the contrary, it should be distinctly understood, that there was a determination on the part of this government, to cherish the connexion; and to take every opportunity of assisting the Canadas, and of developing all the resources of that country. As to the question of religion, he would not touch upon it now; he admitted its importance; but, as that and other important topics would undergo revision in the committee, it was not necessary for him now to enlarge upon them. He concluded by expressing his approbation of the motion.

Mr. *Stanley* said, that, after the clear and highly satisfactory statement of his right hon. friend, who opened the debate, and after the able comprehensive, and statesman-like, commentary of his right hon. and learned friend, there was but a very narrow ground for observation afforded to him. He could not forbear from expressing on this occasion the great pleasure which he derived from the speeches of the two right hon. gentlemen —the former of which was an historical detail of all the leading events connected with our intercourse with the Canadas since the commencement of it; the latter, a powerful review and illustration of that historical statement, enforcing the soundest principles of legislation with great wisdom, wit, humour, and eloquence. The subject before the House was one of as great importance as could well occupy the attention of the legislature. The occasion was one of no less importance than this—that his majesty's ministers thought it expedient to appeal to the House of Commons of England, as arbitrators in a case in which the Crown was a party on one side, and the people of Canada a party on the other. In this situation his majesty's minister, instead of proposing any specific measure, flung his responsibility upon the House, moved for a committee, and left it to that committee to advise him how he should act in the difficult circumstances in which he was placed.—He conceived that this case had been argued too much as if it had been a question for the abolition or confirmation of the laws affecting the property of the French Canadians only. He was sorry for it; as that was not the turn which the debate ought to have taken. At present he believed there was no intention to interfere with that law; but he confessed he thought there had been a time when these laws might have been merged in the laws of England. That time was now gone by: and on those laws he believed that there was at present not the slightest intention to trench. He must now remind the House, that in the year 1763, a proclamation was issued in Canada, which introduced the English law into that colony. The proclamation proposed that a Legislative Assembly should be appointed to frame laws for the province, as similar as possible to those of England. The Assembly met, but it was rendered ineffective by the operation of the Test act; for when it was going to commence its functions, it was found that the members of it were all Catholics—that not one of them could take the Oath required—and that therefore no sitting of the Assembly could be held. In 1766 a commission was issued to chief justice Hay, authorizing him to judge in all cases, and to decide by the oath of twelve good and honest men, as was the custom in that part of the king's realm called England. In that state did Canada remain until the Quebec act of 1774. Previous to that act there were several meetings between the French and English inhabitants, as to the propriety of petitioning parliament on the subject. He had a letter in his possession which was written at the time, upon the subject of the petition; and as it gave a curious picture of Canadian society at that time, he would read it to them. The petition of the French Canadians was, that the House of Assembly should, as far as two-thirds went, consist of Roman Catholics: and this was the letter which a leading Roman Catholic wrote to Malcolm Fraser, esq., one of the leading English proprietors. The writer stated, that if two-thirds of the Assembly in Canada were Englishmen, they would be able, from their superior knowledge of legislation, and their greater capacities, to obtain the suffrages of the remaining portion of the Assembly. "This," added the writer, "you will say, is no great compliment to my countrymen, but I am too well acquainted with their capacities to speak of them in any other manner." The writer then proceeded to state, that his Canadian friends were anxious that, whether or not parliament should deem it expedient to admit Roman Catholics to the assembly of the province, at all events the French laws in the province should be preserved to them. This, he stated, was their second wish; but, in addition to that, they would greatly prefer that the House of Assembly should be constituted as above mentioned.—The hon. member said, he had read this letter to exemplify the state of feeling which prevailed on this subject. With regard to the opinions therein expressed, as to the maintenance of the French laws, and the position that the country was not for the adoption of English laws, these sentiments were not applicable to the question, after the lapse of time which had since occurred. The act of 1774 had been alluded to in the petition; but he conceived the act of 1791, as furnishing the principal groundwork for the present motion. In it were embodied the views of government on the subject of the Canadas, as it formed the basis of the constitution of those colonies. He was well aware that there were times in which constitutions were described as mere codes of law, which might or might not be maintained, as might seem most fit to those to whom their execution was confided; but sure he was that that was not the way in which Englishmen would look to them. The right hon. gentleman had founded his proposition for taking the state of Canada into consideration, upon the state of real property there, the present constitution of the House of Assembly, and the condition of the revenue. The division of the two Canadas he held to be a great mistake. The attempt to form a permanent separation between the Upper and Lower Canadas was a most mischievous measure. While it professed to endeavour to keep out of Lower Canada British capital and British industry, it allowed British subjects to settle in the unclaimed and uninclosed lands in the several townships, and thus it opened the way for the introduction of British capital and industry. While in fact, then, it gave an apparent temporary advantage to one class, it afforded a tacit encouragement to the introduction of another class of persons, whose habits of industry and enterprise were calculated to render them superior, and towards whom, as being their own countrymen, the members of the government might exhibit feelings of partiality. The evils which might naturally be expected from such a system had been the result; and the consequence was, that the governor had been compelled to govern that province by a minority, and against the feelings of the great majority of the population. When the government turned its attention to the settlement of the representation in Canada, a difficulty presented itself to the formation of a House of Lords, as there existed no hereditary aristocracy there, and the existence of the French feudal law opposed an effectual bar to the establishment of any aristocracy. To remedy this evil the Legislative Council was instituted, to supply the place of a House of Lords. How ill that Council had discharged that office, they might judge from the papers before them. The members of that Council upon every occasion had enrolled themselves on the side of the government, and against the people; they stood as an impotent screen between the government and the people: they neither repelled the people on the one side, nor impelled the executive on the other; but while they enabled the one to maintain the war against the other, they were the means of keeping up a continual system of jarring and contention between the government and the people. This Council was the root of all the evils which had taken place in the administration there during the last ten or fifteen years. The petitioners also complained of being subjected to many grievances by the interpretation put upon the Tenure act; an act by which the original holders of land, under the French laws, became tenants of the Crown on paying a compensation, and they then considered themselves as holding their property under the protection of the laws of England. This was a point which had occasioned much discussion; and, as it was a question which involved property to a large amount, and greatly excited the popular feelings, it certainly was a subject that ought to be determined by parliament, and not be left to the decision of the noble individual against whose government so many complaints had been made. He was desirous not to provoke any hostile feeling; but, at the same time, he must say, that the case would be imperfectly treated before the committee, if the inquiry was not conducted into the state of the Canadas generally, and if the committee did not advert to the ecclesiastical question, which should now at once and for ever be settled. He was ready to contend, if he were sitting on the committee, that if any exclusive privileges were given to the Church of England, not only would the measure be repugnant to every principle of sound legislation, but contrary to the spirit and intention of the act of 1791, under which the reserves were made for the Protestant clergy. He trusted the whole subject would be fully discussed in the committee; for, if he understood the scope of the inquiry, it was to go into all the questions affected by the act of 1791. He hoped that the House would carefully guard Canada against the evils which religious dissensions had produced in this country and in Ireland. They had seen the evil consequences at home. God forbid they should not profit by experience, and especially in legislating for a people bordering on a country where religious intolerance was unknown. It was important, that his majesty's Canadian subjects should not have occasion to look across the narrow boundary that separated them from the United States, and see any thing there to envy. He trusted that, in revising the constitution by which the Canadians held their dearest rights, and the security of their lives and property, parliament would bear in mind the principles of a liberal policy, and be checked by none of those considerations, which at home perhaps it was necessary to observe, with respect to previous interests and existing prejudices. There they might begin *de novo;* there they might follow the most unfettered liberality, the soundest and most prudent policy they could adopt; there they might enter into a noble rivalry with the United States. They might thus preserve their friendly relations with Canada, both as to the parent State while she remained a colony, and when in the course of ages she became independent as an ally. When they looked at the United States, they must see that, after all the quarrels they had had with that power—after a bloody Revolutionary war, founded on principle, and therefore the more bitter in its character, which was justice on one side, and oppression on the other—all unfriendly feelings had disappeared; and when they found, as he knew well by personal experience, that in America so thoroughly convinced were the people of the benefits of a liberal policy, and so strong were the ties of a common origin, that an English gentleman travelling in that great republic, was sure to meet with the most hospitable reception. That great country was proud to acknowledge its relationship to England, and to recognise the love and attachment it yet felt to the mother country, and would feel for ages. If ever the Canadas separated from this country, as they must some day or other in the ordinary course of things, it was in our power still to retain their friendship; but on the result of the deliberations of parliament, depended that power. He, therefore, entreated the committee to do justice to both parties, to sacrifice nothing to national prejudice, but to keep constantly in view that the interests of a great country were at stake, and that it was their duty, by just measures, to establish that friendly and intimate relation, which he trusted would ever subsist between this country and Canada.

Mr. *Hume* concurred almost entirely in what had fallen from the right hon. and learned gentleman who had so ably and eloquently addressed the House. But, as the grievances of Upper Canada had not even been alluded to by the right hon. Secretary for the Colonies, he felt called upon to state shortly what he considered due to the people of that colony. He trusted that they would meet with ample justice in the course of this inquiry, though he differed entirely from his hon. friend who spoke last, who had applauded the motives, and approved the act of the right hon. Secretary, in referring the affairs of Canada to a committee of that House. The right hon. gentleman and his predecessors in office had raised the storm, which they were now afraid to meet, and claimed the protection of a committee. He objected to this course, because he believed the duty was such as no committee would perform. The measure would be that of the right hon. gentleman, but the responsibility would be that of the committee. His majesty's government were principally to blame for the situation in which Canada was placed. The prerogatives of the Crown had been debated on former questions of this nature; but whoever reverted to the history of our unfortunate dispute with the colonies, which were now the United States, would find that when the British government were urging their claims in that House, they found legal advocates enough; but yet these rights of the Crown, which the government of this country then insisted on, were afterwards obliged to be given up; as they would be compelled to yield claims of a similar nature in the present instance. They had established independent legislatures in Canada,—they had given to them all the advantages of a British government, and assimilated them to a British House of Commons. Were these houses of assembly to have the free conduct of their affairs, or were they to be subjected to the control of the executive government? Were these legislative bodies to be mere ciphers? What was their use, if all the legislative power was to be lodged in the hands of the executive? He was firmly convinced that his majesty's government had been the cause of all the fermentation and irritation in the Canadas. It betrayed a weakness in the government, and a want of confidence on the part of the right hon. gentleman, to send the consideration of this matter to a committee. The colonial policy of the government for some time had been any thing but conciliatory. With the exception of Nova Scotia, was there a single colony from which they had not loud and frequent complaints? If a system of conciliation had been pursued towards the Canadas, the condition of that colony would have been far different from that which it now presented. It was the duty as well as the interest of the government to conciliate the population of Canada, instead of driving them to despair by acts of severity and oppression. When the bill passed that House, authorizing the disposal of the clergy reserve lands, it was understood that it would not be exclusively devoted to the support of any particular clergy. But it appeared that since then they had been solely appropriated to the Protestant clergy. On the 15th of March a charter was granted for the establishment of a university in Upper Canada; but what did it provide? That the chancellor, the professors, &c., must be all of the Established Church, and before they are admitted they must subscribe to the Thirty-nine articles. In a seminary to educate the youth of Upper Canada, the professors must be of the religion of the minority! Was this fair, or just, or defensible, upon the principles of common sense? Dr. Strachan had grossly misrepresented the missionaries in Upper Canada to the British government. With the exception of five, he had stated that they were principally from the United States; that they had derived all their knowledge from thence; that they were subject to the control of the Methodist Conference in the United States; and that their influence was calculated to render a large portion of the population hostile to the institutions of this country. This was gross misrepresentation. There were two hundred and thirty-five clergymen in Upper Canada; and of that number there were alone thirty-one of the Church of England. Yet it was upon the representations of this rev. gentleman that his majesty's ministers had determined to establish three hundred clergymen of the Church of England in Upper Canada. Of the other clergymen there were—hundred and seventeen Methodists, forty-five Baptists, and forty or fifty of other denominations. So far from all of them having been educated in the United States, a hundred and thirty-three of the Methodists and Baptists, and eleven of the Church of England clergymen, were born and educated in his majesty's dominions. The doctor had stated, that a large proportion of the members of the Assembly were of the Church of England. This he flatly denied; and in contradiction of the assertion, he would state, that at a meeting of the Assembly, where a resolution was proposed to the effect that Protestants of the Church of England formed but a small proportion of the population of the province; twenty-seven out of thirty voted for the resolution. He concluded by expressing his opinion, that Canada had been reduced to its present condition by the conduct of the government.

Mr. *Warburton* said, that one grievance of which the population of Upper Canada complained deserved to be mentioned. Large grants of land had been made there to American loyalists. It was afterwards discovered, in the House of Lords, that those to whom the grants had been made had never qualified as aliens under the 2nd of Geo. 3rd, and that consequently they were not subjects of his majesty. This matter had occupied the serious attention of land-holders there for many years, and the doubts upon the subject should be cleared up as soon as possible. He hoped it would be one of the first objects of the committee to set at rest those doubts.

Mr. *Stuart Wortley* said, he had come down to the House with the intention of voting in favour of the committee; but if he had supposed that one of the objects of the committee was to consider the disputes between the government and the legislature of Canada, he should have had different feelings on the subject. The consideration of such matters, did not, he thought, belong to that House. He was anxious to learn whether the object of the committee was to take into consideration the civil government of Canada.

Mr. *Baring* thought this one of the most important subjects that could come under the notice of the House. When he reflected upon the attempt of government to anglicise the people of Canada, and, under the guidance of Dr. Strachan, to establish a predominant religion there, he could not hesitate to attribute all the grievances complained of to misgovernment; nor could he wonder at the petitions of eighty-seven thousand of the people of Lower Canada, and of eight or nine thousand of the people of Upper Canada. The question was one of extensive importance, and nothing ought to be left untried to find out a system which would conciliate all parties. When he heard a right hon. gentleman talk of anglicising the Canadians, and imposing the Thirty-nine articles in Canada, and when he heard him cheered by a number of gentlemen who must know very little of either Upper or Lower Canada, he could not regret that that gentleman was no longer in the colonial department.

Mr. *W. Horton* said, that the hon. gentleman had altogether mistaken his line of argument, which was, that if we did not anglicise Trinidad or the Cape of Good Hope, why should we anglicise Canada? He had never said one word about the Thirty-nine articles.

Mr. *Huskisson*, in reply, observed, that he had abstained from adverting to the character and conduct of lord Dalhousie, because he thought they were not concerned in this question, and because they required no vindication. The high situation which the noble lord would soon be called upon to fill would prove that he had not incurred the disapprobation of the government. An hon. friend behind him had asked him, if it was his intention that the committee should take into consideration the disputes between his majesty's government and the Canadian legislatures? The very wording of the motion distinctly showed that he had no such intention. Much had been said of the opinions of Mr. Pitt upon the subject. To that great man's authority he should always be disposed to bend; but he begged leave to read an extract from one of Mr. Pitt's speeches. It was to the effect, that if the legislative system of Canada were found to be defective, it was open to revision; and that there was nothing to prevent the parliament of Great Britain from correcting any part of that system which seemed to demand correction. What he was most anxious to do was, if possible, to conciliate all parties in that country. To effect that, the most judicious course which it seemed practicable to adopt was, to refer it to a select committee. His right hon. and learned friend, the member for Knaresborough, had in some degree advocated the cause of the population of Lower Canada; and in doing so had, like an advocate, introduced much misrepresentation. He had addressed him, as if he had charged the Canadians with being bad political economists. That was not the case. What he charged them with was, that they excluded English manufactures. He had also to complain of his right hon. and learned friend, and of the hon. member for Aberdeen, that they both very fluently recommended ministers to put an end to the existing difficulties, by immediately conceding every possible demand of the Canadian legislature. But, was the conduct of that legislature such as to justify such a concession? The fact, that in a petition from eighty-seven thousand persons there were only nine thousand names signed, the rest being marks, was a lamentable proof of the little attention which had been paid to the people of Canada by its legislature. His hon. friend deprecated the employment of force in the settlement of the existing disputes. Nothing could be further from his intention. If it were desirable, it would not be possible. Neither force nor any other improper means would be resorted to. Whatever course might be adopted, his efforts would be directed to do what was right by the colonies, to endeavour to extinguish all animosities, and to place the relations between those colonies and the mother country on their only proper basis.

The motion was agreed to, and a select committee appointed.

HOUSE OF LORDS.

Monday, May 5.

ROMAN CATHOLIC CLAIMS.] The Bishop of *Norwich* said, he held in his hand a petition from the Roman Catholics of Newport in the county of Mayo. The petition complained of the distinction made by the law between themselves and other loyal subjects. Nothing could be more reasonable than the prayer of the petitioners; and it must be highly satisfactory to every liberal mind to observe, that there was a sincere disposition in both Houses of parliament to pay attention to the subject. In all classes, with the exception of a few ultra-Tories, there was an anxious wish for the total abolition of all penalties and disabilities on account of religious opinions. When that wish should be carried generally into effect, the hearts of all his majesty's subjects, of every denomination, would be united as one man; and could any one venture to say, that such a union would not add to the security of the Established Church more than any test or declaration which could be enacted? He had also two other petitions to present, signed by many respectable Roman Catholics of Norwich. A residence of twenty-three years in that city, and a personal acquaintance with many of the petitioners, enabled him to say, that men of more exemplary conduct were no where to be found; and, to use their own language, they yielded to no men in a sincere and unshaken love for the constitution. They could not, therefore, but feel much hurt at being considered as objects of suspicion; but the time was approaching, he was happy to say, when greater attention would be paid to their merits. It appeared to him, that the end of intolerance and persecution was fast approaching: and, indeed, he was convinced, that what had lately passed in their Lordships' House had given the death-blow to those odious vices.

Ordered to lie on the table.

Wool Trade.] The Duke of *Richmond* said, that in rising to move for a Committee to inquire into the state of the Wool-trade, he was satisfied he should be able to lay a case before their lordships which called for inquiry. He would begin with the year 1819, in which a duty of 6*d.* was laid upon the importation of foreign wool. For a series of years prior to that, the war, which desolated Europe, prevented foreign wool, like many other foreign commodities, from being imported into this country. That duty of 6*d.* was, in 1825, reduced to 1*d.*; but the agricultural interest did not agree to this reduction, until they received what they supposed to be an equivalent, in the permission to export their own produce in return. But this turned out to be a mere imaginary equivalent; inasmuch as, for every pound of wool exported by them, one hundred and four pounds of foreign wool were imported. The consequence of this measure was, that it reduced the price of British wool to less than what it was in 1777. To show that there had been a decrease in the quantity of British cloth exported, occasioned by the duty on foreign wool being reduced, he had only to refer to the printed returns for the last ten years, from which it appeared, that, during the five years in which the duty was imposed, namely, 1820, 1821, 1822, 1823, and 1824, the quantity exported exceeded that of the other five years; namely, 1818, 1819, 1825, 1826, and 1827, by eighty-one thousand seven hundred and thirty-five pieces; so that there had been a considerable falling-off since the duty had been reduced to 1*d.* He did not mean to contend, however, that a duty of 6*d.* ought to be imposed; but he wished to show that it was not on a small protecting duty that the success or the non-success of the woollen manufacture depended. He believed it would also be found, that the British wool-grower had not the same protection as the owners of any other staple manufacture; and he could see no reason why he should not. In proof of this assertion, the noble duke read a scale of duties on various other articles, such as copper, timber, bark, &c., the respective duties on the importation of which were higher than those on wool; the latter being only protected by a duty of about 3½ per cent. He was not disposed to go into any lengthened argument upon the result of this unequal protection as it affected the interests of the wool-trade. He was satisfied he had made out a *prima facie* case, that the wool-grower was without any adequate protection, and he claimed it as an act of justice from the hands of their lordships, to be permitted to prove, before a committee, that these statements were correct. The noble duke concluded by moving, "That a Select Committee be appointed to inquire into the present state of the Wool Trade."

The Duke of *Wellington* said, that as he did not mean to object to the motion of his noble friend, he did not feel himself called upon to follow him through the details into which he had entered. He considered it but just, when a number of persons came to that House and complained of the great inconvenience under which they laboured, in consequence of the state of the wool-trade, that the House should grant the inquiry which they sought. But although he was willing to consent to an inquiry, he was bound to say, that, having himself made inquiries in other quarters, he was satisfied that this committee, if granted, would not end in affording the relief which his noble friend sought. He would consent to an inquiry respecting long wool as well as short; not that he thought there was any ground of complaint laid with respect to the former, but he would allow an inquiry to be gone into as to both; because, as it was not his intention to impose any additional tax upon this article, he wished to show that there was no ground of complaint whatever on the subject. He was much mistaken if the result of the inquiry would not convince his noble friend, that there existed no ground for this complaint.

The Earl of *Harewood* said, he was ready to admit, that the woollen trade, both in long wool and in short, laboured under considerable pressure, and that the exports did not keep pace with what they had been in former times; but was he to conclude from that, that no advantage accrued to the agriculturists from taking off the duty? Supposing that the woollen manufacturers abroad were competing with us, was that a reason why we should throw back upon them their own wool? The woollen manufacture of this country must fall, in proportion as obstacles were placed in the way of importing foreign wool; for it was only by mixing our native wool with foreign that the manufacturer was enabled to use it at all. Their lordships must recollect, that the demand must regulate the quality; and that if they compelled the manufacturer to make his cloth of a particular quality, he would not find a market for it. It appeared to him, that to grant this committee, would be to throw the whole manufacturing interest out of joint. There were persons on the point of going abroad for their necessary supplies, but this measure would have the effect of suspending their operations, until the result of this inquiry should be known. The noble duke had said, that he had no intention to increase the duty on foreign wool: then, if no such measure was in contemplation, how would the case stand? The agriculturist would lay his condition before the committee: suppose he were to make it out to be very low, where was the remedy? The situation of the manufacturers was now reviving, if let alone; they were obtaining employment and profit; but, he repeated, they must be let alone.

The Earl of *Malmesbury* said, that to show the falling-off which had taken place in the trade since the duty had been taken off, he would state the number of yards exported during the last ten years. During the first five years of that period there were thirty-five millions and odd; and during the latter five years there were only thirty-four millions and odd. He stated this to show, that the wool-growers laboured under a grievance; and if he succeeded in proving that a grievance existed, then a remedy might be considered. Now one cause of the grievance to which he referred was this: it appeared on the face of the return of the quantity of foreign wool imported during the last nine years, that for the first three the quantity was forty-two millions; during the next three, it was sixty-one millions; and in the last three years, it increased to eighty-nine millions. Now, such an advance in the import of foreign wool was truly alarming, particularly as there had been a proportionate decrease in the exports. He was one of those who considered the interests of the agriculturist and the manufacturer identified, particularly in the state of the woollen trade; and he maintained, that the protection offered to both ought to be about equal. He only asked their lordships to look at the different effects of the duties imposed on the two classes respectively, as evinced by the increase in the imports of from forty-two millions to eighty-nine millions in nine years. He repeated, that he considered the interests of both parties identified, but still they were not fairly protected; the agriculturists having a protecting duty of only four per cent, while the manufacturers had one of fifteen. Allow the agriculturists to make out a case of grievance, and if so, parliament, he was sure, would take it into their consideration, and see if some remedy could not be applied.

Lord *Wharncliffe* said, he would have no objection to the appointment of a committee, if his noble friends would be satisfied with inquiry; but he knew they expected that the result would be an increase of duty. Now, was this right or wrong? He would say it was the duty of government to ascertain whether or not there existed any grievance. They had a board of Trade too: that was open to this inquiry, and they might say whether or not it was right to impose any further duty on this article. An inquiry at present would completely unhinge the manufacturers. The agitation of the question had excited a great ferment already; and if ever there was a moment when the bringing it forward was more inconvenient than another, it was at this particular period, when the manufacturers were just sending off to the continent. The effect of it visited every cottage in those districts: there was not an individual who would not feel it. However, if they did go into an inquiry, he should be able to show, that there never was a greater fallacy than the grounds on which his noble friends proceeded. In his opinion, the more wool that came into the country, the better for the English wool-grower. The Southdown wool had become so deteriorated, that it could not be used without being mixed with foreign wool; and a great change in the manufacture of cloth had taken place on the continent. If we, therefore, did not make finer cloths, we should have no chance of a market for them. It had now become the fashion to wear foreign wool; nay, our servants wore nothing else. He saw the smile of triumph in which his noble friends indulged, but did they imagine, that imposing a duty on foreign wool would force persons to wear British wool? Any body who knew any thing of trade must scout the idea. He contended, that wool had not much fallen in value, comparatively; as was proved by a scale of prices which he held in his hand. Gold itself had fallen from 93*s*. to 77*s*. Electoral Saxony wool had fallen from 8*s*. 9*d*. to 5*s*. 6*d*.; the next description of foreign wool had fallen from 7*s*. 10*d*. to 3*s*. 3*d*.; the next in quality to that, from 6*s*. 6*d*. to 2*s*. 8*d*.; English South-down wool was 2*s*. 6*d*. in 1818, and fell the next year, notwithstanding the tax, to 1*s*. 4*d*., and never rose higher while the tax continued. But let them look at cotton: it fell from 24*d*. to 8½*d*. He mentioned these things to show that a great part of the fall in the nominal price of wool was owing to an increase in the value of money; and another cause was, that the South-down wool was materially deteriorated, and only used for coachmen's great coats, and similar purposes; and, indeed, to be used at all, it must be mixed with other wool. Another reason was, that, in the consumption of this country, a great deal of it was cut out by the use of cotton manufacture, which was very much worn, in fustians, and other cloths of that kind, by the working people in the manufacturing districts. Those who now used this cotton formerly used wool. The appointment of a committee could do no possible good, but would produce considerable alarm in the manufacturing counties.

Lord *Ellenborough* said, that the committee was proposed to be appointed for the satisfaction of the wool-growers; and persons who came to the legislature with so strong a *prima facie* case, were at least entitled to attention. No alarm could be excited among the manufacturers, after the explanation which had been given by the noble duke at the head of the government upon the subject. He had no doubt that the effect of the committee would be to convince the home-growers, that it would not be for their advantage that a tax upon foreign wool should be imposed.

Lord *Redesdale* was decidedly opposed to the opinion, that the committee should sit merely for the purpose of satisfying the agriculturists that nothing could be done for them. Throughout the country there was the growth of three or four years on hand, for which no price could be obtained. One of the most important facts that would come out in the inquiries of the committee would be, the enormous quantity of wool which was lying at the present moment wholly unsaleable. The whole agriculture of the country must suffer, unless some change was made from the existing system.

The motion was agreed to, and a committee appointed. After which, the House went into a committee on the Penryn Disfranchisement bill, and several witnesses were examined.

HOUSE OF COMMONS.

Monday, May 5.

Law of Evidence Bill—Offences against the Person Bill.] Mr. Secretary *Peel* said, that in moving that the House should resolve itself into a committee on the Offences against the Person Bill, he would shortly explain the general objects of that measure, as well as of another which was before the House. One of the bills was intended to make an alteration in the existing mode of receiving evidence, and the object of the other was to consolidate the existing statute-law with respect to offences against the person. These bills had been prepared in furtherance of the system which had been for some time acted on of consolidating the statute-law. They had been prepared under the immediate and direct superintendance of the noble marquis (Lansdowne) who lately held the situation of Secretary of State for the Home Department. The object of this enactment was to introduce into our existing law some alterations which had been considered for years desirable, by persons whose knowledge of the subject and experience entitled their opinions to credit and respect. There were four clauses only in the bill. The first referred to the admissibility of the evidence of Quakers and Moravians in criminal cases. At present, their asseveration was admissible in civil cases and civil cases only. This clause proposed, in order to assimilate the administration of justice in criminal to that in civil cases, that these persons, whose evidence was objected to on their asseveration, should be placed with respect to criminal cases on the same footing as they had long since been with reference to civil cases. As far as cases went, he could cite enough of them to show, that numbers of these persons, from religious scruples, had suffered their wrongs or injuries to be unredressed; and the parties guilty of criminal offences against this class of Dissenters had too often, from this cause, been suffered to escape, through the unwillingness of such prosecutors, or such witnesses, to give evidence on oath.—And here he would observe that this was not at all intended as a boon to that class of persons—they disclaimed any such privilege—but as a means of rendering them competent witnesses for the purpose of benefitting thereby the community. The object of the second clause was to allow persons interested in cases of forgery to be received as competent witnesses; as the law now stood, a party injured by, and therefore interested in, a case of forgery, was precluded from giving his evidence, which he looked upon as a serious perversion of the ends of justice.—The third point intended to be accomplished, was the restoration of all persons who had laboured under civil disabilities in consequence of previous convictions for felony, and otherwise, and had expiated those offences, to be again competent witnesses in criminal causes or actions at law. There was, however, to be a special reservation in this respect, of all persons who had been convicted of perjury; as, for a very obvious reason, it would not be wise to admit the evidence of persons who were notoriously regardless of an oath.—The second bill which he meant to introduce, included the whole statute-law of the country relating to offences against the person. The effect of this measure would be the repeal of fifty-seven acts of parliament on that subject. These laws, as they now stood, were obscure and intricate; and the object of the proposed measure was not so much to consolidate them as to simplify them and to make them clear. The House was aware of the distinction there existed in our present law, as to petty treason and murder. There was no just ground for a distinction between other murderers and persons who were guilty, as wives, of the murder of their husbands; as servants, of the murder of their master; or as clergymen, of the murder of their ecclesiastical superior. In fact the law afforded such heinous criminals superior advantages; first in permitting them to challenge peremptorily thirty-five persons empanelled on the jury to try them; and secondly, in rendering it necessary, similarly to the proceeding in cases of actual treason, that the commission of the offence of petty treason should be proved on the oaths of two witnesses. Now, he could not, in cases of this description, see any good ground for departing from the general rule adopted in our courts in cases of murder; on the contrary, he conceived that in all such cases the practice ought to be uniform.—There was also another alteration. According to the existing law, a person knowingly concealing a murderer, was, under the law of William, liable to imprisonment for one year, or for a greater period of time. But he thought it would be right to make this a capital offence, and in support of his argument he mentioned several recent murders which had taken place, as instances of the manner in which the ends of justice were frustrated by the concealment of the guilty persons. There was another criminal case in which he wished to make an alteration. As the law now stood, in all cases where parties were accused of murders committed abroad, an examination must first take place before the privy council; as in the case of governor Wall. This was productive of great inconvenience; and he meant to propose, that an examination before a justice of peace in such cases should be sufficient.—The next point to which he wished to call the attention of the House was an act, commonly called Lord Ellenborough's Act, by which all cutting or maiming with a sharp instrument, or firing with a gun or pistol, with intent to kill or do some grievous bodily harm, was held to be a capital offence; while all attacks with the same intent, if made with a blunt instrument, was visited in a different manner. He could not see why the one species of attack should be differently punished from the other, and therefore he proposed that upon conviction, the punishment should be the same in both cases. He would instance a case of recent occurrence, in which a man, named Howard, attempted, with a blunt instrument, to murder a Mr. Mullay, whom he had enticed to his residence under false pretences. Where, he would ask, was the difference, in moral turpitude, between a mortal blow given, or attempted to be given, with a stick, or with dumb bells, and a like attempt made with a sword or pistol?—The bill also made a material alteration in the law relative to the wilful concealment of the birth of a child by its mother. At present, the law applied only to cases of unmarried women; but according to the proposed change, any woman, whether married or not, who concealed the birth of a child, be it still-born or otherwise, would be deemed equally guilty. It was also proposed, that in case of a woman being tried for the wilful murder of her child, and the evidence not being sufficient fully to substantiate the charge, the jury should be left to decide as to the wilful concealment, and the individual should be punished accordingly. He thought there was no valid difference between the cases of married and unmarried women; instances might occur in which married women might conceal the births of children, as where their husbands had been absent from the country for so long a time as to render the illegitimacy of the children a necessary consequence. A woman might thus be tempted to conceal the birth. The question was one of great difficulty. It appeared to be somewhat severe, that in cases where children were still-born, a woman should not be permitted to hide her shame; but the very operation of this feeling, and the great ease with which a new-born infant could be put to death, might lead to the worst consequences. It was extremely inconvenient to leave the wilful concealment of birth without any penalty. In all cases it was very difficult to say whether a child were or were not still-born. If, then, the punishment were founded on just principles with regard to unmarried women, he considered that it would be equally just to extend it to cases of women who were married. The bill also made a difference in the law relative to forced abduction, whether for the purpose of violation or marriage. At present, the crime of abduction of a woman without the consent of her parents, extended only to the heiresses of land; no provision being made for the protection of those who were to inherit wealth, however enormous, in the public funds. It was clear that the law ought to be the same in all cases; whether the abducting party had the prospect of inheriting land or money. There were some other points in the bill to which he should hereafter take occasion to refer; there were, however, one or two more, which he would now notice. The bill as it at present stood, exempted from the penalties for murder, persons who should kill other persons, in endeavouring to prevent acts of felony. This point required alteration, and he should propose a clause indemnifying only under certain circumstances. There was, however, one point which he meant to propose materially to alter; it was a point very difficult to discuss; but so strongly was he impressed with its necessity, that he felt it his duty to state what alteration he intended to propose. There were three offences specifically referred to in the bill; the first was, the crime of rape; the second, the offence of carnal knowledge of a child under the age of ten years; and the third was the crime "*inter Christianos non nominandum.*" In these cases, a certain description of proof was required by law, which to him appeared wholly unnecessary, and with respect to which he considered that some alteration ought to be made. From his experience during six years, as Secretary of State, he was aware of the manner in which public justice was often thwarted by this unnecessary difficulty which the law had placed in its way. It was well known, that in the cases of rape, of carnal knowledge of infants, and of that other offence, two kinds of proof were necessary to conviction. It was his strong impression, that one of those descriptions of proofs was unnecessary; and that it was not necessary to a capital conviction, to prove more than that which constituted the moral offence, as far as the offending party was concerned, and as far as regarded the suffering of the unfortunate female who was the victim of the offence. It had been well observed by lord Hale, that although rape was a most detestable crime, and ought to be severely punished, it was one upon which a charge could easily be made, hard to be proved, and harder still to be contradicted, even by a person ever so innocent; and if he thought that any alteration of the law, such as he was about to propose, would lead to false accusations, he would be the last to offer such proposition to the House. But he was of opinion, that one of the proofs required in such cases was unnecessary; because, if a party conspired to bring forward such an accusation, that party would be ready to prove all, would probably be a party in perfect knowledge of all, the circumstances, or, if not, would be easily supplied with the additional evidence necessary to convict. It was, however, a question of great delicacy and importance, and he now threw it out, in order that gentlemen might turn their attention to it. He could conceive but one objection to a change; namely, that by diminishing the proof, we should be increasing the number of false prosecutions. He did not, however, consider that such would be the fact. If cases of rape were difficult of proof, how much more difficult was the requisite proof in the two other cases to which he had referred. In these cases, how was it possible to prove the completion of either offence, to the extent which the law required? The difficulty was so great as almost to preclude the possibility of conviction. The demand for specific evidence of the offence was a great obstruction to the ends of public justice, and a great accumulation of the misery which the unhappy victim had to undergo. The alteration in the law, such as was proposed, would be only the re-establishment of the ancient law of England, as it existed. He had consulted a number of authorities, and had found that, up to a recent period, one of the proofs only was deemed necessary to conviction. In 1721, the case of a man named Duckworth was argued before the twelve judges, when six were found to hold one opinion, and six another; in consequence of which the man was tried and found guilty of a misdemeanour only. In 1777, a man was executed, who had been found guilty on one species of evidence only. His case had been argued by the twelve judges, who had decided, that one species of proof only was necessary, and the man was executed. In 1781, a man of the name of Hill was tried before Mr. Justice Buller, and found guilty, upon one of the proofs only. His case was reserved for the twelve judges. It was argued when lord Mansfield was present; four of the judges were of opinion that one proof only was necessary; the other judges differed from that opinion: lord Mansfield gave no opinion, and the man was not executed. Since that decision the uniform practice had been to require evidence as to the two proofs in all such cases; but until the year 1781, the interpretation of the law was different.—As the bill had passed the Lords, he should not press it through the House, without giving ample opportunities for considering it in all its bearings.

The House having resolved itself into a Committee on the Law of Evidence Bill,

Mr. *Wynn* objected to the clause which permitted the affirmation of Quakers and Moravians to be taken in courts of justice, instead of an oath, in criminal cases.

Mr. *G. Lamb* was at a loss to know in what way it was to be ascertained, whether a man, who offered an affirmation instead of an oath, was or was not a Quaker, or a Moravian. Was it to be considered sufficient for an individual, when examined before a court of justice, to say simply, "I object to an oath, and wish to give my affirmation?" The case, as applicable to Quakers, would equally apply to all separatists.

The *Solicitor-general* observed, that the Quakers and Moravians were not sects of yesterday, and therefore could not be easily mistaken.

Mr. *W. Smith* observed, that the exemption now proposed was no boon to the Quaker; on the contrary, it imposed upon him an inconvenience, which, however, he was ready to bear for the sake of public justice. He thought there was little fear of any person claiming to give evidence under the proposed affirmation, who had not a right to do so. He had no hesitation in saying that, with an admonition given to the witness, as in Scotland, a man would feel himself as much bound as by the most solemn oath; and a greater effect would be produced on the minds of the spectators.

Mr. *Wynn* thought, if the suggestion of the hon. member were acceded to, it would create great injustice to the public; for there were many who would not now give their evidence against a man upon oath, who would give it when that restriction no longer existed. In the same manner, an infinity of evidence would be tendered to effect a man's escape by an *alibi*, when it was understood that that evidence did not require the confirmation of an oath. He referred for proof of the looseness of such testimony, to that which was given at their bar; where instances of prevarication were much more numerous than elsewhere.

Mr. Secretary *Peel* was also of opinion, that a considerable laxity of evidence would be introduced by acceding to the suggestion of the hon. gentleman. It would lessen the amount of the public confidence in evidence given in the courts. He was surprised at the hon. member's reference to Scotland; for there an oath was administered, and that by the judge, in the most solemn manner; the words being, "I swear in the presence of Almighty God, as I hope to be saved on the great day of Judgment." Without strong practical proof of the injustice of the present system, he should be unwilling to extend the exceptions. He thought the inconveniences of requiring an oath in our Criminal Courts were very small, while, he believed, the permission to dispense with it would encourage the creation of a number of new Sects. If they went thus far, they ought to go a step further, and allow every man to choose the form of oath, or affirmation, which he might consider to be binding on his conscience.

Mr. *W. Smith* said, he had recommended, not that oaths should be exchanged for affirmations in all cases, but that, where a party objected to take an oath, an affirmation should be administered to him in the solemn manner of the Scotch courts, which he considered as impressive as our oath. With respect to the laxity of the testimony given at the bar of that House, he begged the House to remember, that the witness was in no fear of prosecution.

Lord *J. Russell* thought the subject well worthy of the right hon. gentleman's attention. Every one was agreed as to the propriety of taking the affirmation of Quakers; and there was a small sect in Ireland, called Separatists, who entertained the same opinion with respect to the immorality of taking an oath. The smallness of their number ought not to be made an argument for denying them the same privilege. It was also to be considered, that they had the same tie upon persons who made an affirmation, which they had upon those who took an oath. They were liable to the same punishment for falsehood. He would require those who asked to be exempted from the oath to say that they belonged to some religious society which entertained conscientious scruples against the practice. In several courts in America, the affirmation of persons having religious scruples were taken in the room of oaths, and it was worth the right hon. gentleman's while to inquire how the practice was found to answer in that country.

Mr. *Warburton* thought it was a greater evil to lose altogether the evidence of a man who would not give it upon oath, whether he religiously objected to the oath or said it was not binding on his conscience, than it was to incur the danger which the right hon. gentleman seemed to fear, but which would be found not to exist.

Sir *E. Carrington* said, that the first object of the legislature, and of the tribunals of justice in this country, was, that a sufficient sanction should be imposed on the conscience of those who were called upon to give evidence: it superinduced the terror of temporal penalties upon the obligation of a religious appeal; but the latter was its great, and, he trusted, its most operative, sanction. In considering this clause, which extended an indulgent consideration to the Quakers and Moravians, it appeared to him to amount to a legislative declaration, that the affirmation of the Quaker, or of the Moravian, was, in fact, and in its results, to all moral intents, equal to an oath. Although the members of these sects said, that they had a strong religious objection to an oath, and were forbidden to swear; yet, looking both to their scruples and their arguments, he could not but consider their objections to amount to a distinction without a difference, and hold their affirmation to be substantially an oath. With respect to Quakers, it had been found, by long experience, in civil cases, that the ends of justice were answered by their admissibility, and they had accordingly been admitted; but he thought it would be a dangerous innovation, without experience of its absolute necessity, to admit the affirmation of those various sects which sprang up day by day, to a transient notice, and then sank into oblivion.

The House having resolved itself into a Committee on the Offences against the Person Bill,

Mr. *Portman* wished to know whether the right hon. gentleman intended to introduce any provision for giving magistrates a summary jurisdiction in cases of petty assaults. He instanced the case of a soldier's wife, who having been assaulted and robbed on passing through a town, applied to a magistrate for redress. The magistrate wanted to bind her over to prosecute, but the poor woman stated, that she must follow her husband, and the ends of justice were thus defeated in her case.

Mr. *Peel* admitted that hardships might, and no doubt did, arise under the law as it stood; but if they were to introduce any clause on the subject, it would be liable to the objection of increasing the summary jurisdiction of the magistrate; and great caution should be observed to guard that power against abuse. It might also have the effect of encouraging frivolous prosecutions, and of giving rise to great animosity in cases of slight affrays, which had better be settled between the parties.

Sir *T. Baring* alluded to the shortness of the interval between the conviction and execution of a murderer, according to the present law, and observed that the period was too short to admit of that reconsideration which, in some instances, might lead to the respite of the convict.

Mr. *Peel* defended the present practice on the ground of the advantage arising from the example, when the punishment immediately followed the conviction. He did not recollect an instance where a man had suffered from want of time to communicate to the government any strong circumstances in his favour.

Mr. *Van Homrigh* said, he knew an instance where a danger of that kind had nearly occurred. He was present at a trial where the judge recommended the jury to find a verdict of wilful murder. They did so under his direction, and the man was ordered for execution; but he (Mr. Van Homrigh) agreed with the jury, that it was a case of manslaughter only. In consequence of that he went to the judge for a respite, that he might apply to the government; but the judge refused. He went to Dublin the next day, and on passing through Drogheda met with chief justice Downes, to whom he told the circumstances, and who recommended him to go to the Castle. The lord lieutenant was not at the Castle, the Secretary of State was in England, and Mr. Gregory, the under Secretary, said he could do nothing. He told that gentleman that, in that case, the man would be murdered. The Attorney-general was then called in at 5 o'clock in the evening, and when they had heard the circumstances they agreed with him; but Mr. Gregory said, what was the use of it, since no express could arrive in time to save the man's life? He answered, "Do you give me the authority, and I will take care that it shall arrive in time." The respite did arrive in time, and the man's life was saved.

Mr. *Peel* said, that under such circumstances there should be no hesitation in suspending the execution. The fact did not prove that it was impracticable to do justice in such a case under the existing law; and, as far as his own experience went, it was not attended with inconvenience.

Sir *T. Baring* thought that the case alluded to was a case in point.

A long and desultory conversation then took place on the respective clauses. Several amendments were agreed to, and the bill, with the amendments, was ordered to be reprinted.

HOUSE OF LORDS.

Tuesday, May 6.

GAME LAWS AMENDMENT BILL.] The Marquis of Salisbury moved the order of the day for bringing up the Report of the Committee on the Sale of Game Bill.

The Earl of *Malmesbury* merely wished to say, that his noble friend who had brought the measure in its original state before their lordships, had brought it forward as a temporary measure,—a bill to continue two years,—to try whether the sale of game would produce any effect on the crime of poaching. Whatever objections he might have had to that bill, he should nevertheless have given his assent to it as an experiment; but since the bill had been first brought forward, an alliance had taken place between his noble friend and another noble lord, in consequence of which the bill had been totally altered. He confessed he could not consider, that facilitating the disposal of game would diminish the crime of poaching. Under the existing law, a person might be seized, and was liable to conviction, for having game in his possession; but under the present act, with all the precaution which his noble friend had used, a man having ten acres of land might sanction any one for having game in his possession. In his opinion, the measure would operate very much to disturb society, and produce litigation. For, in districts where property was divided among a number of tenants, and where each began to be a game-preserver, what would be the result? There would immediately spring up a great deal of jealousy: the farmers would be out at night looking after the game when they ought to be in their beds, and, instead of going on with the plough, they would be running to see who was shooting at what would not be game, but property; for it became a question of pounds, shillings, and pence. With respect to their lordships' tenants, in how different a light would they see their lordships going over their farms to what they did before? They used to be glad to see their lordships amuse themselves, as they always got a share in the amusement: but how different would be the case, when any of their lordships, after having killed ten head of game, sent his gamekeeper to the licensed house, and sold them. The idea created in the mind of the tenant would be, that he was having a new description of rent levied upon him. The bill would, in his opinion, lead to a variety of results of a very pernicious nature, and he entreated their lordships to consider well before they passed it. If his noble friend should fail, as he trusted he would, in bringing up the report, and should afterwards bring forward a temporary measure, it was not his intention to object to it.

The Marquis of *Lansdowne* said, he was one of those who sincerely supported the present measure, with the deep conviction that the subject was peculiarly entitled to the attention of their lordships, as affecting the morals of the country from one end to the other. He hoped their lordships were aware, as he was sure they ought to be, that they were dealing with the question at a time when, from some cause or other, there had been an increase of crime, progressively advancing in this country, of a nature most appalling to every man who felt an interest in the religion, morality, and prosperity, of the country; which prosperity depended on the presence of religion and morality. Their lordships were dealing with a measure at a time when, by the returns recently made up in the public offices, it appeared that the amount of committals in England and Wales last year exceeded by one-hundred and seventy the amount of committals in the preceding year; and not only that, but it exceeded, by a third or a fourth, the amount of the committals on the average of six years. He knew that the noble earl, who was much alive to these considerations, was of opinion that the extent of poaching and the system of the Game-laws had no connexion with that state of things. If he looked at the state of the country generally—if he went into the prisons, his noble friend would find, that though all other crimes had increased, the crime of poaching had increased in an infinitely greater proportion than any others. He would refer particularly to the northern part of Wiltshire. In the House of Correction in Devises, he found, in February 1827, that one hundred persons, out of two hundred and twenty-seven, had been committed to that gaol for offences against the Game-laws. He had thought it possible that this might have arisen from accidental circumstances, and he had, therefore, taken the trouble last week to procure an account of the number of persons now in that gaol, and he was able to state that of two hundred and thirty-four persons, one hundred were confined on account of offences against the Game-laws. In proportion to other crimes, there was, within the last two years, an increase of from forty to fifty per cent in crimes under the Game-laws. He found that, in the House of Correction, at Winchester, during the years 1810, 1811 and 1812, the average number of commitments for poaching was twenty, while the average number of commitments for poaching during the last three years, was two hundred and seventy-seven, making an increase of not less than one thousand per cent in the crime of poaching between the two periods. But their lordships would take a very narrow view of the question, if they supposed that a dry detail of the number of persons committed to gaol for poaching during a series of years, gave a correct idea of the whole mischief. It went far beyond this; and was, he believed, the cause of a great increase in other crimes. The business of a poacher furnished the person who followed it with much information. The poacher was gradually taught, by the practice of poaching, how to execute other crimes; he was taught to lose all respect for property; he was inspired with a love of nocturnal adventure; and in his exertions to overreach the law, he was strengthened in that spirit of gaming and adventure which, in every class, was a very great evil, but which, when it prevailed among the lower classes, led to a violation of all their duties. He was able to confirm this by a comparison of two adjacent counties, similar in all respects, except that in one the Game-laws were rigidly enforced, in the other, they were not. In Bedfordshire, containing ninety-three thousand inhabitants, these laws were enforced; in Huntingdon, containing fifty-two thousand three hundred inhabitants, they were not; and their lordships would perhaps expect, that in the former county the number of crimes should not be more than double the number in the latter. He was able, however, to state, from a comparison of three years, that the number of commitments in Bedfordshire under the Game-laws was six times greater, in proportion to the number of inhabitants, than in Huntingdonshire, and there were three times the amount of other crimes. It appeared, therefore, that other crimes increased as the crime of poaching increased. He begged leave to state one fact which threw great light on the instrumentality of poaching in leading to other crimes. In a county of England there was, sometime ago, a great inundation of false money, which had suddenly got into circulation. An active magistrate, who had communicated the fact to him, undertook to investigate its source, and he found that it all proceeded from strangers, who had gone down from London, and who were coiners, and who, on arriving in that neighbourhood, had, as their first step, inquired into the character of all the poachers, and when they had found out this, they immediately applied to them to put the bad money into circulation, which they accordingly did; so that the money which the strangers could not of themselves put into circulation was put into circulation by the poachers. This was a proof of the manner in which one species of crime was dovetailed into another. He might multiply instances of this kind to infinity, proving in the clearest manner that poaching ought not to be considered by itself, but also in regard to its consequences. As to the clauses introduced by the noble baron, they had unquestionably made it a very different bill, and gave it substantially a new character; but of these clauses his opinion differed very much from that of his noble friend. He should pay the noble baron a bad compliment were he to say that the bill wanted nothing to make it complete; but he was sure that it wanted no perfection which great assiduity and extensive information could give it; and in his opinion, as far as it went, it was good, and went to the root of the evil. The great fault of the present system was, that there were but very few persons interested in upholding it, while the great bulk of the community was interested in opposing it; and it afforded a great temptation to poaching by enhancing the price of game. The measure of the noble baron met, he thought, both these evils; on the one hand, it gave a check to poaching, by facilitating the sale of game; and on the other, it interested all the farmers of the country in checking poaching: it introduced, if he might so speak, the great bulk of the community into the garrison, and gave them an interest in defending it. At present no poacher, not even when found in the woods, could be seized without the greatest trouble; and it was found that there was an emulation not to support the law, but to render it inoperative. The whole peasantry of the country were opposed to the system. Juries would not convict under it; and not only juries, but judges, found a leaning in favour of the criminal. Such a state of things could not be suffered to exist: it was a disgrace to the country, and reminded him of what an eloquent orator had said of another country, and of another state of things: "they had made penalty and crime run a race together, and each had grown weaker in the conflict, till at last penalty had not been able to keep pace, and the fugitive had turned round on his breathless pursuer." In that state the law could only be enforced by bringing public opinion round, and by making a large and respectable body of men interested in enforcing the law, by founding it on a principle of property, and not upon any ancient rights, which were rendered odious to the community; upon that principle of property which was recognized by all, and which prompted a man to defend, not only that which was his own, but that which belonged to others. That was the principle upon which the present bill came recommended to their lordships; and, as far as it went, he gave it his cordial assent.

Lord *Goderich* contended that, whether they passed the bill or not, it would be impossible to prevent the sale of game; and in proof of his argument, he referred to the evidence of a man before the committee, from which it appeared that that individual had sold nineteen thousand head of game in one year alone. The question was, then, whether or not it was fit to maintain a law which could not be enforced. The only effect of so doing would be, to destroy all respect for the laws generally, but more especially for the laws connected with this subject. With respect to the clauses proposed by his noble friend (lord Wharncliffe), he thought they would tend to diminish the crime of poaching, and facilitate the detection of crime when it was committed, by giving a greater number of persons an interest in the preservation of the game. His noble friend near him (lord Malmesbury) was mistaken in attributing the increase of poaching to the operation of those causes to which he ascribed the depression of agricultural property. The persons who were most frequently engaged in the offence of poaching in the northern parts of England, were not agricultural labourers out of employment, but manufacturers, who were earning at the same time 18*s.* or 20*s.* a week, and who went out in bodies of fifteen or twenty. The moral mischiefs which this crime engendered were so extensive, that it had become absolutely necessary to adopt some measures for getting rid of this crying evil. There was no man more attached to the sport of shooting than he was, or more anxious to preserve it. But he was quite satisfied that the measure of his noble friend would not interfere with it; and even if it did, it was the duty of parliament to do something to put down so prolific a source of crime.

The House divided; Contents 54; Not-contests 29. Majority 25.

GAME LAWS—NIGHT POACHING PREVENTION BILL.]—Lord *Wharncliffe* moved the order of the day for the House to resolve itself into a Committee on the Night Poaching Prevention Bill. The House having accordingly gone into the committee, the noble lord said, he would shortly state what were the objects of this bill, and what the alterations which it proposed to make in the existing law. Their lordships were aware, that under the act, commonly called Mr. Bankes's act, any persons found armed at night in certain enclosures or game-preserves, for the purpose of killing game, were liable to be sent before a jury, and if convicted, to be transported for seven years, or suffer such other punishment, short of that, as the court might think fit. Now, great difficulties existed in the way of conviction under that act. Juries were unwilling to subject a man to be transported merely because he was found armed, when he had not killed any game; and thus, from the severity of the punishment, the offender escaped conviction. Now, he thought it wrong that a first offence of this description should subject a man to the same punishment as if he were proved to be an old offender. He therefore proposed, that when a person was detected committing this offence, provided he were not in company with more than a certain number, he should be taken before a magistrate, and for the first offence be sent to prison for three months, and ordered to find sureties in a moderate sum for his good behaviour for a year; for the second offence, to be imprisoned for six months, and to find sureties for two years; and for the third, to be liable to be transported. He knew that the notion of finding securities for good behaviour was not considered likely to check this crime in the south of England; but from experience he could say, that he knew of nothing more likely to produce that effect in the north of England. Young men, when they found that by committing a repetition of this offence, they placed their relatives or friends in jeopardy, were naturally deterred from so doing. With respect to a conviction a third time, the juries, upon perceiving that the offenders were hardened in crime, would not have the reluctance which they now felt to finding them guilty; well knowing that such persons, when they went out at night, would not stop at committing other crimes. He also proposed that, even in the case of a first offence, if the party had used fire arms to prevent apprehension, he should be rendered liable to transportation; and lastly, he would make it felony in a party to go out accompanied by a certain number, say three, or five. Some distinction ought certainly to be made between persons who went out singly, and those who went out in gangs. Every person who read the evidence given before the committee must see to what a dreadful extent these practices had gone. He had no wish to press the bill at present, as he was anxious first to have the advice of certain learned persons as to the advantages which it was calculated to produce.

The Marquis of *Salisbury* agreed that a man ought not to suffer as great a punishment for a first offence as for a repetition of it; but then he thought that his noble friend had gone into the opposite extreme. He should prefer, that, instead of three months, the first offence should be punished with six months imprisonment and hard labour; and the second with twelve months. The third he should leave as it was, namely, rendering the offender liable to transportation.

The Earl of *Carnarvon* was favourable to the principle of taking security, in preference to extending the term of imprisonment; and he also thought that a great deal of good might be done by allowing poachers the option, under given circumstances, of volunteering into the army, instead of undergoing punishment. Many a man, who was an idle or dissolute labourer, under different control would make a valuable soldier. As for the proposition on the subject of going out in gangs, he thought it ought not to extend to men going out two together; because in most cases, they went out two and two, for the greater convenience of taking the birds, and not for the purpose of resistance. Where more than two went, he thought the object of mutual protection might be presumed; but to make the law too severe, would be only making a dead letter of it.

Lord *Tenterden* thought that three was the number which should constitute a gang: three was the number which the law held necessary to constitute a riot. He was opposed to the clause for allowing the poacher an option how he would be tried. It would be better, he thought, to leave the word "poaching" out of the bill altogether. The words "destroying game," included all that was necessary.

Lord *Wharncliffe* agreed to give up the clause as to the option, and the word "poaching," if the noble lord desired it; but he differed from the noble marquis entirely upon the subject of the duration of the imprisonment. It was certainly the policy of the law to mark its disposition to punish the offence of the poacher at first lightly, and to increase its severity as his habits of crime became confirmed.

The clause for making the imprisonment for the first offence three months was then put and carried. On the clause fixing the amount of sureties to be demanded,

The Marquis of *Salisbury* said, that he thought the offender himself in 10*l.* and two sureties in 5*l.* each was too little. The amount ought to be doubled. As it stood, a man would find his colleagues ready to enter into the surety; and such sureties were nearly nominal, from the difficulty of levying in cases of forfeiture.

Lord *Wharncliffe* said, that by a law recently passed, the levy in such cases was made easier; and he fixed the security low purposely, in order to enable the poorer people to obtain it.

The several clauses were agreed to. After which the House went again into a Committee on the Penryn Disfranchisement bill; in which several witnesses were examined.

HOUSE OF COMMONS.

Tuesday, May 6.

FRAUDULENT DEVISES — LIABILITY OF REAL PROPERTY.] Mr. *Sugden* rose to move for "leave to bring in a Bill to amend the Act of the 3rd of William and Mary, chap. 14th, for the Relief of Creditors against Fraudulent Devises, and a similar Act of the 4th of Anne, relative to Ireland." The hon. and learned gentleman went into an historical review of the law of Devises, from the enactment of the law called Statute Merchant, passed in the reign of Edward 1st, for the assurance of debts, which he observed proceeded on the basis of the old law of that day, evidently founded on the still older system of the feudal law. That law had been framed with reference to the exigences of the times, and like most laws thus judiciously framed, it had, either by the ingenuity of the judges, or the consent of the people generally, been accommodated to the improved state of society, and generally acted on since. By this law, an attempt had been made to render the property of the higher orders extra-commercial; which, in effect, proved a public benefit to the community. At that period the existence of a great public debt was unknown in this country, spreading itself over a large portion of the property of the community, and the enactment he contemplated would have been almost needless. Since that period, the state of society and of property had materially changed; and this change had produced an impression on his mind, that it would be wise to extend the statute of king Edward, for the assurance of debts, which now only affected landed property, to property in the funds; for why should a man who was possessed of large property in the funds, be allowed, as he was at present, to live in prison, rioting and wasting that property in defiance of his creditors, and defeating the intentions of the legislature? The object of this bill was, to render the property of any man dying in the possession of a large sum of money or funded property, liable to the payment of that person's debts, though in the hands or possession of the heir or a devisee. Our law knew of but two sorts of debts — specialty debts, and debts on simple contract. Estates descending to the heir were bound by specialty debts; but in case of a devise to a stranger, if the party possessed himself of the property under the devise, and spent it before this action was brought by the testator's creditor, no remedy remained for the creditor, as in the case of an heir similarly circumstanced. And this, because the former took by devise and not as heir. In order to amend the law in this respect, the act of the 3rd of William and Mary was passed. The bill he should propose to introduce would be framed so as to give, in these cases, the same remedy and assurance for debt against the devisee as against the heir at law. The act introduced by that eminent and justly-esteemed lawyer, sir Samuel Romilly, had totally failed of its effects. He was bound to state his own sentiments upon the subject, and he would venture to assert, that a more mischievous measure had seldom been introduced, for altering the practice of the court of Chancery in equity cases. By the 47th of the late king, facility was given to obtain execution, in cases of the decease of debtors possessed of real property. By that law, if a man died a bankrupt his simple contract debts could be recovered out of his real estate. The measure introduced by sir Samuel Romilly tended to increase the costs of the court of Chancery; as otherwise it would be impossible to proceed under it. But when a person did so proceed, he was stopped at the very threshold by an inquiry, as to whether the deceased was or was not a trader; which inquiry had the effect of still further increasing the expenses. It was a singular fact, that the law of the present day stood precisely as it did in feudal times, with respect to infant heirs. The guardian now, as then, received the produce of the lands, and might be looked upon as the owner of the ward and lands, until the infant became of age; and in case of an action being brought against a minor, he was allowed to plead his non-age in stay of the action; so that a creditor in such a case might be deprived of all remedy for twenty years. His object was, to remedy the evil by taking away this shield, and thereby prevent the delay and expense which took place in the suits of creditors. Another point upon which he proposed to make an alteration, which he considered of great importance, and which, if adopted, might be looked upon only as a preparatory step to a still greater and more important alteration in this branch of the law, went to enable the infant to consent to a sale for the payment of creditors, instead of pleading his non-age. As the case now stood, a court of Equity would sell an estate in cases where the infant was under twenty-one years of age; but after a man had paid his money, they refused to make a conveyance of the property, alleging that they had no power to do so until the minor came of age. The purchaser might remonstrate against the injustice of paying his money to the creditors of the property, without securing to him a proper title to it, but without effect; the bargain was made, and he must wait for years until the minor became of age. There was one case, where a purchaser who had been so treated by a court of Equity, sold again to a second purchaser; who, however, refused to fulfil the bargain, unless a proper conveyance was made to him. "Oh, but" said the first purchaser, "I'll make you fulfil it; I purchased from a court of Equity in a similar way but could receive no conveyance." The case went into Chancery, and what did the then lord chancellor do? He decided that the second sale was defective, inasmuch as the first purchaser had not obtained a good title to the property; so that the unfortunate first purchaser had his money divided amongst the creditors of the estate, while he was left not only without a conveyance, but was also saddled with the additional expenses of his application. The clause which it was his intention to introduce would allow the infant to make a conveyance at once: in short, his object was so to alter the general law upon this subject, as to give every facility to the recovery of the debts owing by persons dying possessed of landed property. This he proposed to do, by at once simplifying and consolidating the other acts, which as they now stood, were couched in difficult phraseology, and not easily understood. It had been stated on a former occasion, that he was an enemy to all reform in the court of Chancery. Those who entertained this opinion, laboured under a great mistake. No man was more anxious than himself, to do away with the complex and surplus forms of those laws, which, taken as a whole, he looked upon as the best by which any country was governed. He admitted that there existed anomalies which ought to be removed. He looked at the substance and at the forms of those laws, and where these forms were intricate, or unnecessary and useless, he was anxious that they should be removed. He hoped the motion he was now about to make would be taken as an humble pledge of his sincerity upon this point. When allusion was made to the appointment of a commission on this subject, it was hinted that he was likely to be appointed one of its members and to have a certain control over it. He was decidedly opposed to any such appointment, and was not to form any part of such commission. But it was objected, that gentlemen of the profession ought not to be appointed members of that commission, because they were prejudiced in favour of existing forms; but if they were not to appoint such men, were they to select unlearned men; men unacquainted with the evils which existed, and the remedies which ought to be applied? The learned member concluded by moving "for leave to bring in a Bill for further facilitating the Payment of Debts out of Real Estates."

Mr. *Wallace* supported the motion, and expressed a hope that the learned member would obtain, as he deserved, the thanks of the country for his exertions to amend the law in this respect.

Mr. *Hume* said, he congratulated the learned gentleman upon the course he had taken upon this occasion, as he, for one, had set the learned member down as an opponent of all reform in the court of Chancery. If the hon. member acted up to his statements of that evening, he would effect all that was desired by those most anxious to reform the abuses of that court. He thought that the estates of a debtor, dying possessed of landed property, ought to be made available to the payment of his debts, as well as personal property.

Leave was given to bring in the bill.

SCOTCH PAROCHIAL SETTLEMENTS BILL.] Mr. Kennedy moved the further consideration of the Report on the Scotch Parochial Settlements Bill.

Mr. *Estcourt* said, that his opposition to the bill was solely with a view to induce the House to assimilate the bill to the law of England. Great inconvenience was felt in this country from the permission allowed to foreigners of gaining a settlement here in a year, or he believed in less time; while in Scotland, even according to the present law, a settlement could not be made under three years. It was now attempted to extend the period to seven years; a change which would have the effect of relieving Scotland at the expense of England, from the multitudes who daily came over from Ireland. But overlooking that circumstance, he could not see any reason for such a difference as the bill was intended to make between the two countries.

Mr. *Fergusson* thought it would be very difficult to assimilate the laws of England and Scotland in this respect, while there existed so great a difference between their laws in other respects. He bore testimony to the good conduct of the poor Irish who emigrated, and some of whom settled in Scotland, but represented their multitudes as most alarming. It was a mistake to suppose that they had not poor-laws in Scotland. They had, but the people were too independent in mind to depend upon those laws. The present facility of gaining a settlement in Scotland would burthen it beyond its capability.

Mr. *Maxwell* said, that the present bill was anxiously desired by the people of Scotland, under an apprehension that, without it, that country could not bear the burthen imposed on it by the emigrations from Ireland; especially as in Ireland they had no reciprocal provision for their poor.

Sir *E. Knatchbull* said, that though the effect of this measure would be one which he must regret as far as England was concerned, it could not fail to be of considerable advantage to Scotland. The object of the bill was to keep the poor Irish out of Scotland; but he feared the effect of it would be to make them come in greater numbers into this country; and if Scotland was exempted from the consequences of that evil, and England was more exposed to its influence, hon. gentlemen must not wonder that the English representatives should show some jealousy as to its success. The bill seemed scarcely to place England and Scotland on a fair footing; since it went to free the former from an evil which would only fall the heavier upon the latter.

Mr. *Hume* did not consider it fair to object to a law on the ground that, though it was a good law in itself, the people of Scotland ought not to have it, because the people of England had a bad law upon the same subject. He thought the people of England were called upon to protect themselves against the additional pressure which the influx of the Irish poor flung upon their poor-rates, if no measure were adopted for their relief in Ireland. He was not, however, one of those who conceived that the emigration of the labouring population of Ireland into England was hostile to the interests of England. As long as labour was wanted, the English land-holder was glad to receive the Irish labourer, because his appearance in the market diminished the rate of wages: now that labour was superabundant, he changed his tone, and called for a protection against his becoming a burthen upon the poor-rates, before he had resided three years in the country. He thought that some protection was necessary for the people of England; at the same time he hoped that those who intended to oppose this measure would not object to it, because it was calculated to do good to Scotland. He would say to the people of England, "Get a similar measure for yourselves; and do not deprive us of the means which we have devised for benefitting ourselves."

Mr. *Fergusson* said, that though he supported this bill, he did not object to the introduction of Irish labourers into either England or Scotland, on the score of the reduction which it produced in the rate of wages. It might be an evil; but he did not know how to prevent it, unless they prevented all intercourse between the three countries. The times were bad now, but it was not unreasonable to hope that they would be better soon. It was intended to prevent any future burthen from being imposed on Scotland, in the shape of poor-rates. The Scotch had no means of preventing the Irish labourer from settling among them; neither did he wish that they had. What he wished was, to prevent the Irish labourer from obtaining any settlement in Scotland without a previous residence of three years or more within it. In Scotland, the people wanted no support for their poor, either from England or Ireland: all they wanted was, that each country should support its own poor. How that consummation was to be brought about, was another question; but he thought it unjust that England and Scotland should be called upon to provide for the poor of Ireland, merely because Ireland would not provide for them herself.

Sir *J. Newport* said, it must have been observed by the House, that almost every gentleman who admitted the benefit which had accrued to England and Scotland from the introduction of Irish labourers into those countries, had lamented over the increased introduction of them within the last few years. But in their lamentations over the introduction of the poor, they had entirely forgotten the introduction of another class; he meant the rich landed proprietors of Ireland. They were anxious to prevent the emigration of the poor from Ireland; but they said nothing about remitting back to Ireland the absentee proprietors; whose rents, however, they sought to diminish by the imposition of poor-rates. He was not exaggerating when he said, that a sum of three millions was annually drawn from Ireland by its absentee landlords; and that that sum was expended in giving employment to the artisans of England, and was therefore withdrawn entirely from any employment which might produce benefit to the pauper population of Ireland. To the introduction of the rich Irish landlord into England, no gentleman had yet made any objection; but many appeared astounded at hearing that the withdrawal of the rich land-holder from Ireland had brought pauperism on its inhabitants, and an influx of Irish poor on the neighbouring countries. He would not urge the objections which he felt to the establishment of a system of poor-laws in Ireland, until some person declared himself ready to point out to him a mode, by which a fair administration of the money levied as poor-rates could be ensured in that country. There were whole districts in Ireland, where, if rates were to be levied for the relief of the poor, it would be impossible to discover individuals who would administer them in such a manner as to give the poor the full benefit of them. He would appeal to the members of the committee appointed a few years ago in the city of London, to distribute the contributions of the charitable among the distressed peasantry of Ireland, whether they did not repeatedly, in the course of their inquiries, find themselves at a loss to discover proper persons in Ireland to intrust with the distribution of the funds committed to their care. He believed that, owing to the selfishness of their agents, the poor of Ireland did not receive one half of the funds which were sent over from this country for their relief. That was owing to the unfortunate condition of Ireland; and he was afraid it was beyond the skill of any gentleman to devise a scheme, which would ensure the fair distribution of poor-rates in Ireland.

Mr. *Kennedy* said, that so far was he from feeling any hostility towards the natives of Ireland, that he had absolutely introduced this bill to do away with any hostile feelings which their influx into Scotland might have generated. For his own part, he wished to be able to deal more liberally with the Irish paupers than he could do under the existing law. The Irish poor were at present relieved in Scotland upon as niggardly a scale as was possible, from a prevalent belief, that if they were relieved more liberally, a greater number of them would come over, and thus a greater burthen would be thrown upon the country. The hon. member for Kent seemed to dread the effects of this measure upon England. Now, he was sanguine enough to hope that this measure would confer benefit upon Scotland, though not to any large amount; and he was quite certain that England would not suffer by it. He did not think that this bill would turn the tide of Irish emigration from Scotland into England, nor that it would even turn it from flowing direct to Scotland. He did not believe that the crowds of Irishmen who landed almost every day in Scotland, came there for the purpose of obtaining a settlement in either three years or seven. They were driven by the craving wants of nature to get that support in Scotland, which they were not able to find at home. He hoped that when they did come to Scotland, the people would treat them well; but he also hoped that they would not permit them to become a permanent burthen upon their industry. Such was the principle of the measure which he had introduced into the House.

The report was further considered; and the amendments agreed to.

HOUSE OF COMMONS.

Thursday, May 8.

Roman Catholic Claims.] Numerous petitions were this day presented for and against Catholic Emancipation. After which,

Sir *Francis Burdett* rose, and addressed the House to the following effect:—

Before I enter upon the subject which stands for discussion this evening, I beg leave to offer a few words of apology to those gentlemen who, I understand, have been put to some inconvenience, in consequence of my having altered the day on which I intended to bring it forward. It cannot, Sir, be necessary for me to assure those gentlemen, that no disrespect to them, but a consideration which ought to direct the conduct of any one charged with bringing forward a subject of this importance alone directed mine; that is, a consideration of all the circumstances most advantageous to the question itself. Many reasons must be obvious to every one, of the propriety of this postponement. One, however, I would beg leave to mention, amongst others; which was its having been suggested to me, that it was hardly fair towards the administration, under their peculiar circumstances, not to have afforded them the short delay.

I shall now proceed to state to the House the grounds upon which, in my humble opinion, the great question which stands this evening for our determination may be said to rest. I cannot but be very sensible of the great difficulty under which, upon this occasion, I labour; owing, first, to the question itself having been, for many years, as it were, exhausted by the greatest abilities the country has ever produced, and under these circumstances being deprived moreover of the support received, upon former occasions, by those splendid talents which, in this instance, I am deprived: first, by the removal to the House of Lords, of the right hon. and learned Attorney-general for Ireland, who had, as it were, consecrated his great powers to the support of the rights of his Catholic fellow-countrymen; still, however, in another place, the cause will receive the benefit of his exertions.

But, with respect to the right honourable gentleman late at the head of the Administration, his loss is altogether subject of unmitigated regret; and certain I am, that those whose rights are this evening to be advocated will feel as I do, how irreparable it is, not only on account of the eloquence of the right hon. gentleman, but of the authority also to be derived from his situation. It is a consolation to me to reflect, at this moment, that although almost invariably opposed to the late Mr. Canning, during the far greater part of my political life, constantly, indeed, and zealously opposed, upon topics of the greatest public interest, well calculated to excite the strongest and the warmest feelings, still I am able to say, that my political hostility to the right hon. gentleman was never debased by feelings of a malignant nature, nor my judgment warped by envy of talents, the use of which, however much I lament, never for a moment made me blind to his merits, or induced me to withhold from them that admiration they were so well calculated to excite.

It must still be a greater consolation to those who were the nearest and dearest friends of Mr. Canning to reflect, that, however deeply they may deplore his loss, at no moment could they have sustained it, attended with circumstances so calculated to alleviate their sorrow, and so honourable to himself, and in which it may, without exaggeration, be said, they are sympathized with by the whole civilized world — that at no moment could they have been deprived of him with more advantage to his own lasting fame and reputation—that at no moment could he have left behind him a memory more endeared by the fond hopes and expectations conceived of him by his own countrymen, and by the regrets of Europe, which have accompanied him to the grave. So that to him may be applied the memorable words of the great Roman historian to his illustrious father-in-law—“*Tu vero felix, Agricola, non vitæ tantum claritate, sed etiam opportunitate mortis.*” Had Mr. Canning lived a thousand years, he could have never found a moment more favourable for terminating his political career with more lustre and renown; placing his reputation out of the reach of fortune and beyond the injuries of time. But, Sir, though he is dead, upon this subject “he yet speaketh;” and I avail myself of his authority upon this subject, by declaring myself actuated by the same spirit and the same feeling, with respect to it, which he professed in advocating the same cause; and I propose to end the observations which it will be my duty to offer to the House, with a Resolution, which having been enforced by that right hon. gentleman in former times, and having met, in former times, with the sanction of a large majority of the House, will, I trust, enable me to call upon the House, in point of consistency, again to adopt, and not suffer itself to be outstripped by the rest of the civilized world in the career of liberality and justice.

I contend, with the late Mr. Canning, that there is nothing in this question hostile to the well-being and the true principles of the Established Church. To that Church I belong, and as a friend to it, I urge the question of Catholic Emancipation on the attention of the House; and though the accident of birth and education originally attached me to it, yet reason and principle would now lead me to adopt it. Indeed, private as well as public feeling strongly operate, no doubt, upon my mind, with respect to it. It has been my lot to have had some of my earliest and most valued friends amongst its members; nor can I refuse to myself, at this moment, the satisfaction of stating, that I have still the happiness to possess the friendship of one of its most distinguished ornaments — an individual who, however he may court retirement, can never be hid in obscurity—adorned by talents and virtues fitting him for any situation, but peculiarly adapted to that in which he is fortunately placed, as President of Magdalen College, Oxford. At the risk even of giving him offence, I cannot refrain from using the unauthorized liberty of mentioning the name of Dr. Routh—

“——— quantaque nostræ,
“Pars tua sit, Cornute, animæ tibi, dulcis amice,
“Ostendisse juvat.”

All who have the happiness to be personally acquainted with him will acknowledge, that never were great abilities and deep learning accompanied with more candour and more sincere desire to investigate truth, than in the instance of the individual to whom I allude. So that still it may be said, as in former times, that no where can truth be sought after with more advantage than in

“Maudlin's learned grove.”

These things I chiefly mention for the purpose of shewing to the House, that I am not standing here advocating the claims of the Roman Catholics under any hostile influence towards the Establishment, but that upon every account, private as well as public, my prepossessions and feelings are strongly in its favour.

With respect, Sir, to the question about to be discussed, it rests upon many and different grounds; all and each of which, in my mind, are conclusive in its favour. I shall first endeavour to make out, I hope to the conviction of the House, that on the ground of an existing treaty—I mean the Treaty of Limerick—the departure from which has, in my opinion, been the origin of all the ills under which the Roman Catholics of Ireland have laboured—those claims ought to be satisfied.

That treaty, entered into at the period of the Revolution, clearly entitled the Roman Catholics of Ireland to an equal share of all the rights and liberties enjoyed by the people of this country, at that time. The Treaty of Limerick, indeed, is the Magna Charta of the Roman Catholics of Ireland, and it will not be thought unnecessarily to dwell upon this subject, when it is recollected, that the right hon. the Secretary of State for the Home Department has placed the contingency of his vote upon the construction which that treaty would bear; for he repeatedly declared, upon former discussions of this subject, that if it could be shown, that public faith had been violated by non-observance of the Treaty of Limerick, he would give to the Roman Catholics the advantage of his support. The right hon. gentleman has twice stated, that if my interpretation of this compact entered into under the walls of Limerick was correct, the immense advantage of his vote should be given to the Roman Catholics of Ireland. It therefore becomes a matter of great importance to establish the position I maintain, that the Articles of Limerick have been violated; which I shall, therefore, endeavour to do, and to show, that all which is now asked for the petitioners, they were entitled to, on the guarantee of the public faith of England by that treaty; and if I should be successful in making this out, I trust I shall have done enough to induce an English House of Commons, as well as the right hon. gentleman opposite, to grant the prayer of their petitions. Afterwards I shall endeavour to shew, that this prayer ought to be granted on other grounds—upon the faith also of another treaty, at the time of the Union with Ireland; but still more upon grounds of sound policy and expediency, natural right and justice.

The violation of the Treaty of Limerick is, then, the first proposition I shall attempt to establish. In order to this I must refer to the Treaty of Limerick itself; when, I think, it will be sufficiently apparent, that my construction of its intent and meaning is correct. But before I enter upon this part of the subject, I will take the liberty of reading to the House a small portion of a declaration made by the right hon. the Secretary of State for the Home Department, with respect to this treaty, so recently as the year 1827, in which he re-assures us, that he will abide by a pledge previously given.

"I think it necessary," said the right hon. gentleman, "to state, that I will not shrink from what I said, when this question was discussed in 1825, and which was as follows—that if I could be satisfied, that any of the political privileges which were withheld from the Roman Catholics of Ireland, were withheld in violation of the Treaty of Limerick, it would very materially influence my judgment in deciding on the present question: but, after having examined into this matter, with the greatest attention, I feel a more perfect conviction, that that Treaty afforded the Roman Catholics of Ireland no claims whatever to have their disabilities removed."

Upon this point, then, we are now at issue; and in this point of view it will be allowed to be one of infinite importance. Would that it were to be argued by a more able advocate, and before a tribunal differently constituted! Would that this point were to be decided by twelve honest men in a jury-box, bound by their oaths to abide by the result of testimony and fact!

The first Article of the Treaty of Limerick is as follows:—

"The Roman Catholics of this kingdom "shall enjoy such privileges in the exercise "of their religion, as are consistent with "the laws of Ireland, or as they did enjoy "in the reign of Charles 2nd; and their "Majesties, as soon as their affairs will permit them to summon a parliament in this "kingdom, will endeavour to procure the "said Roman Catholics such further security in that particular, as may preserve "them from any disturbances upon the account of their said religion."

It consists of two distinct members, or parts. The first secures the free exercise of all the religious rights of the Roman Catholics; the second contains a promise of further security in that particular, in order to preserve the parties from any disturbance upon the account of their said religion. Can any impartial or candid man assert, that it is no disturbance on account of religion, to make the enjoyment of political rights and liberties depend upon the abandonment of religious faith; or rather is it not a great aggravation of disturbance on account of religion, to make the very religion itself the means of annoyance, and to place the Roman Catholics in the painful situation of being obliged, either to abandon their religion and violate their conscience, or give up the enjoyment of their rights and liberties?

This is the predicament in which the Roman Catholics of Ireland are at this moment placed; and it appears to me impossible to conceive a situation in which it is more unjust and cruel for one set of human beings to compel another to remain in, than thus to make their liberties depend upon a compromise with their consciences, so that an honest man must abandon either one or the other.

I now come to the second Article of the Treaty of Limerick; which the right hon. the Secretary of State for the Home Department contended, upon a former occasion, had relation merely to private rights of property and estates, and guaranteed only their enjoyment. I shall endeavour to shew, that this Article distinctly recognizes the public liberties of the Roman Catholics, and guarantees to them their possession, as they existed in the time of Charles the 2nd. Indeed, the right hon. gentleman did contend, at the outset, that this treaty applied solely to the garrison of Limerick; but, as this is a position the right hon. gentleman has already abandoned, I proceed to the consideration of the second Article; which is one extremely material. After stating, that — "all the inhabitants, "or residents of Limerick, or any other "garrison now in the possession of the "Irish, and all officers and soldiers now "in arms under any commission of king "James, or those authorized by him, to "parcel the same in the several counties "of Limerick, Clare, Kerry, Cork, and "Mayo, or any of them, and all the "commissioners, officers in their Majesties' "quarters, that belong to the Irish regiments now in being, that are treated "with, and who are not prisoners of war, "or have taken protection, and who "shall return and submit to their Majesties' obedience, and their or every of "their heirs shall hold, possess, and enjoy, "all and every their estates of freehold "and inheritance:"—it goes on to say, that the parties included in the treaty shall enjoy—"all their rights, titles, and interests, privileges, and immunities, which "they and every or any of them held, "enjoyed, or were rightfully and lawfully "entitled to in the reign of king Charles "the 2nd, or at any time since, by the "laws and statutes that were in force "in the said reign of king Charles the 2nd, "and shall be put in possession, by order "of the government, of such of them as "are in the king's hands, or in the hands "of his tenants, without being put to any "suit or trouble therein; and all such "estates shall be freed and discharged "from all arrears of Crown rents, quit "rents, and other public charges incurred "and become due since Michaelmas, 1688, "to the day of the date hereof; and all "persons comprehended in this article, "shall have, hold, and enjoy, all their "goods and chattels, real and personal, "to them or any of them belonging and "remaining, either in their own hands or "the hands of any persons whatsoever, in "trust for, or for the use of them, or any "of them, and all and every the said persons, of what profession, trade or calling "soever they be, shall and may use, exercise "and practise, their several and respective "professions, trades, and callings, as freely "as they did use, exercise, and enjoy, the "same in the reign of king Charles the "2nd; provided that nothing contained be "construed to extend to or restore any "forfeiting person now out of the kingdom, except what are hereafter comprised, "provided also, that no person whatsoever "shall have or enjoy the benefit of this "article, that shall neglect, or refuse, "to take, the Oath of Allegiance made "by act of Parliament in England, in the "first year of the reign of their present "Majesties, when thereunto required."

Now, I ask, what can be more distinct, clear, and decisive, than this? For my part, I know not how it is possible to frame words more expressly or directly stipulating for the enjoyment of all rights, public and private, than they are stipulated for in this Article. Having first secured the enjoyment of their estates and private rights, it next declares, that the party shall enjoy all the rights, titles, privileges, and immunities, which they were entitled to in the reign of Charles the 2nd. I would ask the right hon. gentleman, if he thinks that these words can, by possibility, have reference to any thing but political and public rights. The only question, therefore, as it appears to me, which remains is, what were the rights, titles, privileges, and immunities enjoyed by the Roman Catholics of Ireland, in the reign of Charles the 2nd?

With respect to that question, I fancy there is no dispute. I believe I am justified in stating, that, at the time referred to, the Roman Catholics of Ireland possessed and enjoyed all the rights, titles, privileges, and immunities, which the constitution afforded their fellow subjects. I therefore repeat, that all such civil and political rights as they possessed in the time of Charles the 2nd, they were clearly entitled to, under the provisions of the Treaty of Limerick: and, if they are now, therefore, excluded from them, they are so excluded, in direct violation of the stipulations of that treaty.

Another part of the treaty appears to me also not a little remarkable. It seems to evince, that there existed at the time, in the minds of the Roman Catholics of Ireland, not only a presentiment of the "disturbance" to which they were likely to be exposed, on account of their religion, but also a feeling of prophetic apprehension of the very manner in which that disturbance was to take place. For, by the ninth Article of that treaty, it is expressly stipulated, that "the Oath to be "administered to such Roman Catholics "as submit to their Majesties' government "shall be the Oath aforesaid, and no "other." Now, the oath referred to, as "the Oath aforesaid," was the oath of Allegiance, and no other. From this Article of the treaty, therefore, I infer, that the Roman Catholics of Ireland had the wisdom and foresight, or feeling and presentiment, call it what you will, to perceive the means by which they were likely to be disturbed in the exercise of their religion, and excluded from the enjoyment of their rights and liberties. They accordingly provided against this special disturbance, by this special Article of the Treaty of Limerick.

Unhappily their fears were but too well verified, by the enactment of the Penal Code; with respect to which I trust there is not now a single member of this House hardy enough to justify it, or to consider it in any other light than that in which Mr. Burke placed it—as a code of tyranny, injustice, and wickedness; not less marked by impolicy than cruelty and malignity, and by every feature that could constitute a tyranny the most unmitigated and relentless. No man now, I should suppose, will deny, that this tyrannical code was a direct infringement of the Treaty of Limerick. Still less will any one be hardy enough to maintain, that it ought to be re-enacted. The right hon. gentleman opposite, indeed, has expressed his satisfaction, that this odious, impolitic, and unjustifiable, system has been departed from. He, at least, has declared, that he would never concur in returning to it again.

Now, Sir, let us consider the right hon. gentleman's construction of the Treaty of Limerick, in opposition to mine; and the argument by which he has supported it. The main argument, to the best of my recollection, was this—that when sir Theobald Butler, that great, able, eloquent, and patriotic lawyer, was advocating the case of the Irish Roman Catholics, at the bar of the Irish parliament, it was said by the right hon. gentleman, that he did not insist, that the Treaty of Limerick had been violated, by depriving the Roman Catholics of Ireland, of any public rights —that he confined his argument only to private rights of property and estates. But it will not be difficult to shew, that the right hon. gentleman is wholly and entirely mistaken, both as to his construction of the treaty itself, and as to the fact, upon which he so mainly relies.

Not that I should have thought it of any great importance, had the fact been otherwise — even if sir Theobald Butler had not, upon the occasion alluded to, insisted upon the violation of the rights and liberties of the country; seeing that he was principally engaged in advocating the private rights of his countrymen, with relation to the enjoyment of their property and estates; so that if upon such an occasion, he had omitted all allusion to public matters, no reference could have been deduced from that circumstance, which could have led to any conclusion as to his opinion of the violation of the treaty, regarding public rights and liberty. What would have been so natural, as that this great and eminent lawyer, in times so full of peril and danger, should, in maintaining the cause of his clients, have carefully excluded from his consideration all extraneous circumstances, or any thing not immediately and necessarily coming under his view. It is the well known habit of skilful and prudent advocates, not to travel, as the phrase is, out of the four corners of the brief. So that had the fact been as the right hon. gentleman conceived it, that sir Theobald Butler had solely and exclusively applied his argument to the private wrongs and injuries sustained by his clients, that circumstance could not have afforded any ground for asserting, that the Treaty of Limerick did not embrace public as well as private rights.

But, Sir, how does the fact stand? Sir Theobald Butler did take the opportunity afforded him, in advocating the private grievances of his countrymen, boldly to insist upon the public rights and liberties, stipulated for by the Treaty of Limerick. He embraced the opportunity of being placed at the bar of the House of Commons, on behalf of individuals, to plead the cause of the nation. He complained, with just indignation, of the public wrongs, as well as of the private injuries sustained by the people of Ireland, and appealed against its violation in this particular. He vindicated successfully, as far as eloquence, spirit, talents, and integrity could vindicate, the violated liberties of his countrymen. To shew the correctness of this statement, it is only necessary to quote a passage from sir Theobald Butler's argument upon this occasion. Although contending, that the act against which he was speaking, was a faithless violation of the treaty, with respect to private rights, he proceeded to say, that, "by the compact entered into at Limerick, the Roman Catholics were as rightfully entitled to all the privileges, immunities, and other advantages whatever, according to the laws then in force as any other subjects whatsoever, and which, therefore, without the highest injustice, could not be taken from them, unless they had forfeited them themselves. * * * For, by those Articles, all therein comprised were pardoned all misdemeanors whatsoever, of which they had, in any manner or way, been guilty, and restored to all the rights, liberties, privileges, and immunities whatever, which, by the laws of the land, and customs, constitutions, and native birthright, they, any and every of them, were equally with every other of their fellow subjects entitled unto. And by the laws of nature and nations, as well as by the laws of the land, every native of any country has an undoubted right and just title to all the privileges and advantages which such their native country affords."

He went on to say, that "by the first of the Limerick Articles, the Roman Catholics of the kingdom of Ireland were to enjoy all their rights, as they did in the reign of king Charles 2nd, and then there was no law in force that deprived any Roman Catholics of that kingdom of any such their native birth-right, or any other thing which, by the laws of the land then in force, any other fellow subjects were entitled to."

He goes on to complain that the Roman Catholics of Ireland, were, by certain clauses in a bill, prohibited from various privileges, the deprivation of which was neither more nor less than a gross infringement upon public liberty and equal justice. He complained, for instance, that they were prohibited from visiting, or residing in, certain towns and places, without first finding such securities as were not required, nor could be demanded, by the law of the realm, as it had theretofore existed. Further, he complained, that they were "prohibited from voting for the election of Members of Parliament, unless they take the Oath of Abjuration, which to oblige them to is contrary to the Limerick Articles; which, as aforesaid, say, that the Oath of Allegiance, and no other, shall be imposed upon them; and, unless they abjure their religion, takes away their advowsons and right of presentation, contrary to the privilege of right, the laws of nations, and the great charter of Magna Charta, which provides that no man shall be disseized of his birth-right, without committing some crime against the known laws of the land, in which he is born or inhabits."

These passages, I trust, the right hon. gentleman opposite must admit, prove him to have been greatly mistaken in thinking, that the Treaty of Limerick did not stipulate for political liberty, as well as private rights.

Before I take leave of the eloquent argument of sir Theobald Butler, there is one circumstance so remarkable, that the mention of it ought not to be omitted; and it is the more so, as sir Theobald Butler held a high and important situation, as well as devoted great abilities to the service of his country. From his sentiments, therefore, those of the public mind, in his time, may be fairly collected; and this celebrated speech of his affords an evidence of liberality and generosity, which perhaps to some honourable gentlemen, may cause considerable surprise—to those, certainly, who have been in the habit of forming their notions and opinions of the Irish Roman Catholics from the misrepresentations, and calumnies of their bitter and implacable enemies. And it will afford a satisfactory answer to those remarks made the other day, satirically and ironically, as to the feeling said recently to have been evinced by the Roman Catholics, with regard to their Protestant brethren, the Dissenters; at the same time it was invidiously insinuated, that the Roman Catholics were now, for the first time, pretending a fellow-feeling for the Dissenters, with a view to their own immediate question—a feeling which was new to them, and of very late as well as questionable growth.

It is, therefore, a very agreeable and a very favourable opportunity, of drawing the attention of the House to the incorrectness of such remarks, and of proving, by a reference to indisputable evidence of former periods, that the good-feeling and liberality of the Catholics is neither insincere nor of recent date; and I will venture to say, that the more we make ourselves acquainted with, and examine into the character and conduct of, our Catholic countrymen, the more we shall find cause for trusting and esteeming them. Sir Theobald Butler, at the time before alluded to, affords abundant proof of this assertion, and a satisfactory answer to the before-mentioned apparently smart, but really ignorant, remark as to the pretended cordiality, but actual perfidy, evinced by the Roman Catholics towards the Dissenters. Sir Theobald Butler might, indeed, have been naturally expected to have confined himself solely to complaining of the oppression under which his Roman Catholic fellow countrymen laboured; an oppression the more detestable, because exercised under the form and semblance of law. At that very moment, however, when his friends and clients were suffering under the acts of those very persons before alluded to, the Dissenters, he nevertheless embraced the opportunity of advocating their cause in the following manner:—

"Whatever we, the Irish Papists, may have done, yet surely the Dissenters did not do any thing to render them liable to the same injustice, or to deserve worse at the hands of the government than other Protestants; but, on the contrary, it is more than probable, that if they (I mean the Dissenters) had not put a stop to the career of the Irish army at Enniskillen and Londonderry, the settlement of the government both in England and Scotland might not have proved so easy as it thereby did; for if that army had got to Scotland,—as there was nothing, at that time, to have divided them but the bravery of those people, who are mostly Dissenters, and chargeable with no other crimes since, unless their close adhering to and early appearing for the then government, and the many faithful services they did their country, were crimes,—I say, if they had got to Scotland, when they had boats, barks, and all things ready for their transportation, and a great many friends there in arms, waiting only for their coming to join them —it is easy to think what the consequence would have been to both these kingdoms; and these Dissenters were then thought fit for command both civil and military, and were no less instrumental in contributing to the reducing of the kingdom than any other Protestants: and to pass a bill now, to deprive them of their birth-rights (for those their good services,) would surely be a most unkind return, and the worst reward ever granted to a people so deserving. Whatever the Papists may be supposed to have deserved, the Dissenters certainly stand as clear in the face of the present government, as any other people whatever; and if this is all the return they are like to get, it will be but a slender encouragement, if ever occasion should require, for others to pursue their examples."

Such were the sentiments of sir Theobald Butler, and the Roman Catholics of Ireland, in relation to the Protestant Dissenters at that early period. It is hardly necessary for me to observe, that none of those malignant feelings, usually attributed to the Roman Catholics were, or are, entertained by them against any men, on account of their religion. This is but one of the many instances which might be produced, of the generosity, liberality, and disinterested spirit frequently evinced by them. Thus did they exhibit a noble feeling, under the influence of which, they buried in oblivion recent animosities of the greatest magnitude—their hostile feelings subdued by one of generous indignation, at the injustice done to their bitterest and most uncompromising enemies.

I should hope, Sir, that it will not now be denied, that the Treaty of Limerick did stipulate for the political rights of the Roman Catholics of Ireland. I trust I have successfully maintained that it did; and, moreover, that the mischiefs which have grown out of its non-fulfilment furnish a bad example of the many evils attendant on all violations of national honour and good faith.

As to the statement of the right hon. gentleman, which he supported by a reference to a letter of king William, to support his construction of the treaty of Limerick, to that I will oppose the authority of the historian of that time, Burnet; who, in his narrative of the transactions of that day, distinctly states, that, "by the Treaty of Limerick, the Roman Catholics of Ireland have guaranteed to them all the rights and privileges, civil as well as political, which they enjoyed in the reign of Charles 2nd."

Now, I beg the House to observe, that the act which excluded the Roman Catholics from sitting in parliament, was an act of the English legislature, and applied to English Catholics only; and that the breach of faith, complained of, on the part of the Irish Catholics, was the extending those disqualifications to Ireland, by a particular Act. This was done by the most pitiful shuffling and evasion; although the faith of the king stood solemnly pledged, that the people of Ireland should be restored to all their rights, on taking the Oath of Allegiance alone, and were not to be compelled to take the Oath of Supremacy. Therefore, if there is any meaning in words—if promises freely given and implicitly relied on, are entitled to weight—the Roman Catholic people of Ireland are, by the Treaty of Limerick, entitled to a fair and equal participation in all the rights enjoyed by the rest of his majesty's subjects. By slow degrees, indeed, but grudgingly, and with an ill grace, many of those rights, of which they had been deprived—especially in the reign of queen Anne—have been granted to them. But, though much has been granted, much still remains. There is still a long arrear of injustice to be brought up.

The history of those times abundantly proves, that the treaty of Limerick was no improvident agreement. It should, moreover, never be lost sight of—though, up to this time, it seems to have been so—that when that treaty was executed, the people of Ireland had been guilty of no offence—they were charged with no crime, and were not justly liable to have inflicted upon them penalties and pains. The people of Ireland were true to their allegiance to their king—they were, at that time, fighting under that king, for their own constitutional liberties—and not, as bigotted Papists, the blind instruments of a miserable superstition, but as men resolutely standing up for their rights, for the kings of that race, who had been their greatest benefactors; who first extended to their country the protection of equal laws, and admitted her to the participation of the English constitution.

Nor was it in the moment of triumphant power, but in the midst of difficulties and distress, that the Irish discharged their debt of gratitude to the family then upon the throne of England. In discharging this debt faithfully and generously, they involved themselves in the same ruin to which those whom they were defending were devoted. The people of Ireland fought to the last, in defence of their sovereign, with a constancy and a courage, rendering it doubtful which party would have prevailed, had king James defended himself with the same courage which they exerted in his cause. In a word, if he had been as true to them, as they were to him, no one can say how that conflict would have terminated. But when that cowardly monarch fled—when he abandoned his own and their cause—they were left to fight their own battle, and were guilty of no crime, in seeking to secure their own liberties, by acceding to the Treaty of Limerick. This they did, like brave men, with arms in their hands, free from all offence as soldiers or as citizens, and stipulated for that, to which they were well entitled—the full enjoyment of their religion and their liberty.

The Roman Catholics of Ireland still demand to be admitted into the English constitution; and they have proved, by their undeviating loyalty and faithful adherence to their country and to their sovereign, that they are well worthy to obtain it. This high and generous feeling, this disinterested devotion of the Irish nation, becomes a more striking feature in their history, when put in contrast with that of Scotland, upon something like a similar occasion; which was so far from being distinguished or characterized by any similar example of honourable feeling, that, on the contrary, it was characterised by a base betrayal of the king to his enemies. Since that period, too, the conduct of the two countries had been no less different —the Irish having been as faithful to their new sovereign, having once sworn their allegiance, as the Scotch were the reverse, in taking up the cause of the Pretender, in 1715 and in 1745. Thus, while Scotland was in open rebellion, the allegiance of Ireland remained firm and unshaken—thus may it be said, the Roman Catholics of Ireland can be reproached with no breach of faith, but have displayed a generosity of mind, which should have rendered them objects of admiration, and uniformly pursued a conduct, which ought to have disarmed hostility. Yet, strange and unaccountable as it must appear, they have been treated as a nation of delinquents, while grace and favour have been prodigally showered on a people, whose conduct has been directly the reverse, and who, till very lately, indeed, were supposed to be hostile to the established government and liberties of the country.

I am also supported by the best historians in asserting, that at the time of signing the Treaty of Limerick, the situation of king William was critical in the extreme. So little confidence, indeed, had he himself in his own situation, that he had sent orders to general Ginkle to close the Irish war upon any terms. The same historian also informs us, that the garrison of Limerick were in no way pressed or distressed; that the besieging army were daily becoming more straightened; that the cattle were dying and the men wasting away from the effects of the season—while the reinforcements of men and ships had arrived from France to strengthen the garrison; that the French fleet was in the Shannon, and the tide of battle might easily have turned in favour of the Irish. They never, however, availed themselves of these circumstances, but manifested their good faith, by ratifying the articles they had entered into. Had they not so adhered to them, who can pretend to say, what consequences might have ensued? If, under these circumstances, Limerick had still held out, and king William's army compelled to retreat, who can pretend to say that Ireland might not have been irrecoverably lost?

Nor was this the only disaster that such a state of things might have brought along with it. It would be no great exaggeration to say, that to the Treaty of Limerick we owe the establishment of our own Revolution. So that we obtained an ample and valuable consideration, for any benefit conferred by that treaty upon the Irish. All, however, that the Roman Catholics of Ireland ask, is that to which they are naturally entitled—the quiet enjoyment of their religion, and to participate in the constitution of the country.

Such is the history of the Treaty of Limerick—such the consequences flowing from it—such the claims the Roman Catholics of Ireland are entitled to advance, grounded upon the public faith with which that treaty was ratified.

From this period follows a dreary, doleful, and disgraceful page, in the history of Ireland—a page I would willingly pass over, but upon which I feel it a duty shortly to comment. Under the unprincipled system pursued, in violation of the Treaty of Limerick, the people of Ireland were humbled in spirit and broken hearted; and we ourselves began to recoil from the effects of a system to which we had given existence. Men of all parties, of enlightened and liberal minds, of experience and of information, began boldly to deprecate the severities exercised upon an unoffending people. The Protestants of Ireland, too, manifested a similar spirit. When upon being threatened by a foreign invasion, arms were put into the hands of the people indiscriminately, having deterred the invader, they determined to recover their own importance, and those rights to which they were entitled, and the Irish volunteers demanded to be admitted into the pale of the constitution.

But it was not until the year 1793, in the viceroyship of lord Westmoreland, that the body of the people obtained freedom by having conferred upon them the elective franchise. Never was there a grosser mistake in policy, than to yield such a power to the Irish Catholics, if it were intended to stop short and withhold from them equal rights with the rest of their fellow countrymen. By giving them the elective franchise, we gave them that which Archimedes required — a point from which to move the world.

Still, however, disunion and distrust arose between the Catholics and Protestants of Ireland. The eternal bane of Ireland still worked with most diastrous effects; which led at last to a scene of blood and desolation from which the mind recoils with horror, and which will for ever raise a blush in the cheek of every honest Englishman. The sanguinary period of 1798 will for ever stain the page of English and Irish history—a scene of misery, unequalled, and scarcely to be described, even by the language of the most impassioned poetry—

"Each new morn
New widows howled—new orphans cry'd—new
sorrows
Struck Heaven on the face."

And I do implore every member of this House to recall, with those feelings of contrition with which it ought to be accompanied, the recollection of those desolating scenes, before he makes up his mind to decide against this question. Let him reflect upon the persecution, upon the tortures inflicted—when, it is scarcely exaggeration to say, as the Viceroy rode through the gates of his Castle, his horse's hoofs were stained in the blood of the people—a period that may be best described in the words of the great Roman historian, when painting the most afflicting period of the most flagitious tyrrany—"planum exiliis mare, infecti cedibus scopuli, atrocius in urbe sevitum. Nec minus præmia delatorum invisa quam scelera; ferrent cuncta, odio et terrore. Corrupti in dominos servi, in patronos liberti; et quibus deerat inimicus, per amicos oppressi." It should be our business to endeavour to obliterate from the minds of all men the memory of those disastrous times. We should endeavour to compensate this long and cruel period of misrule; and, above all, to efface it from the minds of the sufferers. Nor would this be a difficult task. The Irish are a warm-hearted and a grateful people. Though quick and alive to a sense of injuries, they are no less susceptible of gratitude for benefits conferred.

This brings me to the period of the Union. The violation of the Treaty of Limerick is the first proposition which I have attempted to establish. I have now to call the attention of the House to another treaty, one of a more recent date, the obligations of which ought to have been considered not less sacred, though they have not, any more than the former, been adhered to. At the period of the Union pledges as solemn as were ever made upon any occasion were given, by supposed competent authorities, to the people of Ireland; and it is not too much to affirm that, without those understood pledges, the measure of a legislative Union could never have been effected; for no one, I suppose, will now maintain, that had Ireland possessed an independent, separate parliament, it would have been possible that the measure of Catholic Emancipation should not long since have been carried. But, indeed, had there been no grounds on account of faith plighted, upon the broad principle of policy and justice, the claims of our Roman Catholic countrymen ought to have been granted. No man will deny Mr. Pitt to have been a supporter of Catholic Emancipation; and I have a right to call upon those gentlemen who profess to be adherents of Mr. Pitt's system, who profess respect for his name and reverence for his memory, to bear in mind, that his reputation must remain tarnished, must remain exposed to a charge of insincerity, until those pledges, given by him to the Catholics of Ireland, at the time of the Union, shall be redeemed.

It will be in the recollection of all who acted with Mr. Pitt, at that period, that he looked at this question in a large and extensive point of view, and that he thought the completion of it of vital importance to the interest of the whole empire; that he had long witnessed and lamented the evils which afflicted Ireland; that he felt that such a state of things was not to be, and could not be, longer endured; that he wished, earnestly wished, to apply a remedy; and that, in his opinion, the time had then arrived, when Ireland and England ought to be firmly united. He saw that the possibility of effecting this desirable purpose depended altogether upon conciliating the Catholic population; and with these hopes held out by him, and relied on by them, he carried the Union into effect. He strongly contended, that Catholic Emancipation was the crowning measure of the Union. Without it, indeed, the very heart of that measure is plucked out—without it the rankling wounds of Ireland can never be closed. Mr. Pitt saw, that the old and long-established maxim, "divide and govern," was no longer applicable to the affairs of that country. He saw that the Parliament of Ireland, had, by its corrupt and tyrannical conduct, rendered itself hateful to the nation; and he compelled it, after a long course of injustice to others, to do at least one act of justice upon itself, and to put an end to its own existence. To effect this, he displayed to the Catholics of Ireland the advantages they would derive from an incorporated Union with this country. He, at the same time, placed in a clear point of view, the narrow-minded, bigotted, and virulent, system, under which Ireland then groaned.

In this state of Ireland, and with these intentions on the part of Mr. Pitt, a pamphlet was published by Mr. Cooke, the then Secretary for Ireland, holding out the most consolitary hopes and prospects to the Roman Catholics. He stated, that the objections to the emancipation of the Catholics would, by the measure of Union, be removed. Nay, even Dr. Duigenan, the most virulent opponent of Catholic Emancipation, had himself declared, in a letter addressed to Mr. Grattan, in the year 1797, that, "if we were one people with the British nation, the preponderance of the Protestant interest in the whole State would be so great, that it would not be any longer necessary to curb the Roman Catholics by any restraints whatever." Here, then, is testimony that nobody can doubt—the testimony of the most implacable political enemy the Roman Catholics of Ireland ever had.

Mr. Pitt having despatched his manifesto from the Castle of Dublin, by the hands of Mr. Cooke, and finding that the Catholics were disposed to lend a willing ear—as they always were—to the voice of conciliation, proceeded to push forward this great measure; and he authorized lord Cornwallis, then viceroy, to give to the Catholics the most solemn pledges that the measure of Catholic Emancipation should follow that of Legislative Union, and that all their disabilities, on the score of religion, should be removed. The Irish people placed the most implicit reliance on the power of Mr. Pitt and the good faith of this country. Acting from these impressions, and from this conviction, they supported the proposition for a Legislative Union between the two countries—a measure, indeed, which were it completed, would be of the utmost benefit to both.

To corroborate this statement, I will call the recollection of gentlemen to Mr. Pitt's own speech to the House, on retiring from office in 1801. Explaining the grounds of his resignation he says, "With respect to the resignation of myself and of some of my friends, I have no wish to disguise from the House, that we did feel it an incumbent duty upon us to propose a measure on the part of government, which, under the circumstances of the Union, so happily effected between the two countries, we thought of great public importance, and necessary to complete the benefits likely to result from that measure: we felt this opinion so strongly, that when we met with circumstances which rendered it impossible for us to propose it as a measure of government, we equally felt it inconsistent with our duty and our honour any longer to remain a part of that government. What may be the opinion of others I know not; but I beg to have it understood to be a measure which, if I had remained in government, I must have proposed."

As a further corroboration of the admitted necessity of this measure, I may adduce the Speech of his late majesty from the throne, on the prorogation of the first session of parliament after the Union, in July 1800—"This great measure," said his majesty, "on which my wishes have been long earnestly bent, I shall ever consider as the happiest event of my reign, being persuaded that nothing could so effectually contribute to extend to my Irish subjects the full participation of the blessings derived from the British constitution, and to establish on the most solid foundation the strength, prosperity, and power, of the whole empire."

This, then, is the second case made out in favour of the justice of the claims of the Roman Catholics of Ireland. One more complete in all its parts it seems to me impossible to imagine; and that Catholic Emancipation is as much due, on the ground of good faith pledged to them at the Union, as previously by the Treaty of Limerick. In opposition to these claims, scruples of the most extraordinary kind have been raised, and, it seems entertained, with respect to the Coronation Oath; and it has been asserted, that, consistently with that Oath, Catholic Emancipation can never be carried.

I trust, there is no member of the House who will be inclined to give much weight to such an unfounded suggestion. Should there be any, however, they must be of a description of persons who are more swayed by authority than reason. I will, therefore, adduce, for their satisfaction, an authority which, upon this subject, they will not be inclined to disregard. I mean that of lord Liverpool; who, in speaking upon this point, in the House of Lords, in 1825, said—"I cannot consider the Coronation Oath as any obstacle to the removal of the civil and political disabilities of the Roman Catholics. The Oath was an Oath to protect the Established Church and the clergy of the realm. The removal of the disabilities may possibly affect that Church, but it can only do so consequentially. Many wise and good men are of opinion that it would strengthen the Church; and if parliament were to present a bill to the king for his acceptance, grounded upon this assumption, I do not see how the king could be advised to consider it to be at variance with the obligations of the Coronation Oath which he has taken." And I think it is impossible for any one to differ in opinion with the noble lord, who bestows the slightest consideration upon the subject. I therefore feel it unnecessary to occupy further the attention of the House upon this topic.

I trust, therefore, that I have made out a satisfactory case on behalf of the Roman Catholics of Ireland. I hope I have made it clear—In the first place, that according to the Treaty of Limerick, the whole Catholic population of Ireland are entitled to a full participation of all the benefits of the English constitution, to the extent to which they enjoyed them, under the reign of Charles 2nd:—secondly, that the act of Union between Great Britain and Ireland was obtained through their co-operations in consequence of solemn assurances made by the Administration of the time, that they should be admitted to a full share of that constitution.

Now, Sir, I will contend, that, in both instances, the Roman Catholics of Ireland only required what, in sound policy, without being required, ought to have been bestowed. The claim of the people of Ireland, it is true, is founded in good faith and justice. But, even had the people of Ireland no claims to prefer in point of right—no pledges in point of justice—if she stood strictly in the situation of a conquered country, at the mercy of the conqueror alone—I contend it would nevertheless be sound policy—the policy of a wise conqueror—to conciliate her affections, to consolidate her interests with ours, by extending to her the benefits of our own institutions. It has, in most cases, been the policy of those who have conquered countries to endeavour to obliterate all distinctions between conquerors and conquered, and to amalgamate the interests of both. But if this has been considered a sound policy in common cases, how much more imperiously are we called upon so to act with respect to Ireland! And I do trust and hope I shall succeed in persuading the House, not to reject, in the year 1828, that which, by its vote, it conceded to the Catholics in the year 1823; lest we should give colourable pretence to the observation which has frequently been made—that the Catholics of Ireland have every thing to expect from our fears, but nothing to hope from our generosity or our justice. Let us not be the last in the race of civilization—the last to seem to appreciate the advantages to be derived from the extension of equal rights and liberties to all denominations of Christians. Let us profit at least by the examples of our own times, and the present history of the world, as it now presents itself to our view. Let us take advantage, at least, of the experience of others, and be guided, if not by theory, at least by the evidence of facts.

There are one or two arguments which have been advanced against the claims of the Catholics, to which I think it necessary briefly to advert. The right hon. the Secretary of State for the Home Department says, that he would not stand on minor differences, were he once convinced, that the faith of treaties called on him to make good the claims of the Catholics; and yet it is upon such minor differences, that he rests principally his argument in opposition to them. And, what are these differences? Will they bear the test of inquiry? Will they, above all, bear the test of comparison, when weighed in the balance of difficulty and danger? There are those who, with the noble earl I have just alluded to, setting aside the suggested scruple concerning the Coronation Oath, place great stress, as he does, upon the assertion, that the professors of the Roman Catholic religion hold a divided allegiance.

In the first place, I beg leave to deny, on the part of the Roman Catholics, any such divided allegiance. I thought that this question had been set at rest, by the answers made by the different Catholic bodies throughout Europe, who were applied to by Mr. Pitt upon this subject. To take as an example that of the Catholic University at Louvain. They say—that "the Faculty of Divinity at Louvain is struck with astonishment, that such questions should, at the end of the eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talent and discernment of its natives, and declares, that no man, nor assembly of men, however eminent in dignity and power, nor even the whole body of the Catholic church, though assembled in general council, can, upon any ground or pretence whatsoever, weaken the bond of union between the sovereign and the people; still less can they absolve, or free, subjects from their oath of allegiance."

The same answer in almost the same terms, was given by the Roman Catholic bishops of Ireland. But what is still more singular, or rather more striking and satisfactory—the Pope himself, on the 29th of January, 1825, in answer to an application on the part of the States of Mexico, requesting his interference on their behalf, assigned as a reason for not acquiescing in their request, that "the papal see did not consider itself authorized to interfere in the civil concerns or rights of any independent State." And yet, Sir, we stand in awe of the thunder from the Vatican! Whatever may have been its effects in former times, it is now at least evidently become perfectly harmless.

A more singular question than the former was addressed to the Catholic college of Douay; as if for the purpose of exhibiting Protestant ignorance, prejudice and illiberality; for it is scarcely to be believed, that the question was really put to this college, whether or no the Roman Catholics considered themselves bound to keep faith with heretics? The answer returned by that celebrated seminary was this—"We positively and unequivocally declare, that there is not, nor ever has been, amongst Catholics, or in the doctrine of the church of Rome, any law or principle which makes it lawful for Catholics to break their faith with heretics, or others of a different persuasion from themselves in matters of religion, either in public or private concerns."

Other questions of a similar nature were put to different Universities; with which I am really ashamed unnecessarily to trouble the House. For I am satisfied, that no member of this House, at this time of day, can entertain such false and injurious impressions as those quesions imply. To enter into arguments to prove that the Roman Catholics consider an oath as binding, would only be to expose one's own illiberality, and to offer insult to them. The fact is, the Roman Catholics have been faithful to their country, loyal to the king, and devoted to the constitution. It was, indeed, to the wisdom and the courage of our Catholic ancestors, of whose glorious deeds we are so justly proud, that we owe that liberty which we enjoy, and for which we now make such an ungrateful return.

But, Sir, in pleading this cause, I am not pleading the cause of the Catholics alone; for this is not a Catholic question merely. It is equally a Protestant question; and as such ought to be argued. It is a question which involves the dearest interests—the honour, the happiness, and the peace, of England, no less than of Ireland. It is whether Ireland, that important part of the English dominions, should continue in a state at once degraded and degrading, or be restored to the equal enjoyment of those rights, of which she has been so long and so unjustly deprived; no less to the disadvantage of England than of herself. Every English interest is bound up, or connected with, this great question. As a matter of Finance, it is worth while asking ourselves, whether it is policy and wisdom to exhaust the finances of England, in a worse than fruitless attempt to enforce a system of oppression upon the people of that country. There is no point of view in which we can look at it—whether with the microscopic eye of detail, or with liberal and extended views, taking in the whole horizon—without perceiving the inseparable connection between the interests of the two countries. And if there are those who consider power oppressively acquired as a luxury, I beg of them to consider, that it is of all luxuries the most expensive, and that our finances are not in a state to afford its enjoyment. Whereas, justice is the cheapest, as well as the best of all expedients. If, then, there were no other motive for our conduct upon this occasion but a conviction of the necessity of economy, let us adopt a system which shall save us millions of money, whilst, at the same time, we are acquiring the safeguard of the affections of millions of our fellow subjects, who are as well entitled as ourselves to those rights which they claim; which at present we have it in our power to offer gracefully as a boon, but which we have it not in our power much longer to withhold.

Let us cast our eyes abroad, and take the example set us by the nations of Europe. We shall see that in those places that were, in former times, torn by dissensions, where religious persecution once raged with violence, the opposite principle of religious liberty has been productive of harmony and peace. Let us look to Germany. Let us look at France. Bigotry no longer reigns over that great and enlightened nation. Nay, even Hanover, Prussia, the Netherlands, one may say nearly the whole civilized world, including the two Americas, Old and New — all with one voice proclaim—"religious freedom is the parent of peace!"

If, therefore, it is—as every one admits that it is—of importance to procure tranquillity in Ireland, this experiment is well worthy of being made. And indeed, who can be accused of rashness, in trying any experiment there? The condition, we are told, of that unhappy country is such, that every change would be an improvement. By the extension of religious liberty to that suffering land, one can have little doubt, that the same beneficial effects would be produced, which have followed the adoption of it in all countries, and under all forms of government. Republics and despotisms, monarchies and aristocracies, simple and mixed forms of government—all have equally felt the benefits of this healing principle. Let us, therefore, apply it as a cure, at least as probably a cure, and certainly a palliative for the agitations and misfortunes of Ireland.

The right hon. the Secretary of State for the Home Department, stated, in answer to an argument of the late Mr. Canning, who was advancing, in favour of these claims, the policy of France upon this subject; which he described as a wise toleration, contrasting it with that imperfect toleration which consists in abstaining from injuries towards men, on account of their differing from the religion of the State; and which complete toleration has been so satisfactorily shewn in a pamphlet, by Mr. Gally Knight, who was an eyewitness to its effects. One instance of which, in passing, I beg leave to mention to the House.

In Prussia, he tells us, it is computed that there is a population of four millions of Catholics, and six millions of Lutherans; and the remainder of the population, about a million more, are Presbyterians, of which persuasion are the family on the throne. It is difficult to conceive a state of society better calculated to illustrate the blessings of religious toleration than this; for, under these very peculiar circumstances, and singularly proportioned differences of religious opinion, the king being of the religion of a small minority, such is the result of religious freedom, the most perfect peace and harmony prevail. There is no jealousy between the sects; no jealousy of the reigning family, nor any thing to interrupt the general confidence, peace, and tranquillity of the country.

But, to return to the argument to which I was going to allude, in answer to the statement of the late Mr. Canning. Mr. Canning had been quoting the instances of countries, where the Roman Catholics, forming a majority, gave toleration to the minority who were Protestants. The right hon. gentleman opposite replied, upon that occasion, "it is very well for my right hon. friend to quote the instance of France or Germany, where the Roman Catholics form the majority of the community—no danger can, in those countries, be apprehended to the majority by concessions to the Protestants, who form the minority—no danger can be apprehended to the Established Church of the Catholics from admitting the Protestant minority to the exercise of their political rights. Now, my right hon. friend must shew me the similarity of these cases to that of Ireland, where the Catholics are the majority, and the Protestants, that is to say, those of the Established Church, are the minority."

Now, Sir, I take the right hon. gentleman upon his own shewing, and I affirm, that his argument equally applies to the state of Ireland, and in support of the claims of the Catholics, since the legislative Union of the two countries. It is true that, before the Union, when Ireland was an independent country, and had a separate legislature, the Catholics of Ireland were a majority, and the Established Church a small minority. But, is that the case now? The right hon. gentleman declared, upon that occasion, much to his honour, that he relied upon argument for the maintenance of his opinions, and would scorn the aid of religious bigotry or prejudice, and to raise the miserable No-Popery cry, that had been formerly resorted to. "If I am asked," said the right hon. gentleman, "whether I am afraid of the Pope and the Pretender, I distinctly answer, no: but I cannot consent to what is asked for Ireland, seeing that the state of that country is the reverse of those which have been mentioned, and the arguments arising out of their condition are inapplicable to her, and cannot therefore have any weight in influencing my view of the question." I think, however, I have indisputably shewn, that the argument which Mr. Canning applied to France, is equally applicable to Ireland since the Union.

It is a great admission, on the part of the right hon. gentleman, that he is not "afraid of the Pope." It is a great point gained; because, though no man could use such an argument out of doors, without being laughed at, or considered as a fit subject for Bedlam; yet, within these walls we have been called upon, year after year, to meet that argument, to find securities against this supposed danger, and to prove the incapacity, as well as the disinclination of the Pope, to injure us, or to interfere in our concerns. Thank God, however, the right hon. gentleman declares he is not "afraid of the Pope"—he is not either afraid of the Pretender. There are, however, other unsubstantial apprehensions, which seem still to haunt his imagination. The Pope and the Pretender, at any rate, have lost their terrors.

If, therefore, the right hon. gentleman's fears are at an end, with respect to the Pope and the Pretender, the inference is obvious, that no reason remains for his continuing the laws of exclusion from the constitution, of Roman Catholics; since the only grounds upon which they were ever attempted to be justified—the only grounds upon which unconstitutional enactments were attempted to be palliated, have, in his mind, ceased to exist. The whole question, therefore, as far as he is concerned, is surrendered, if these points are given up.

What, therefore, is it, that he substitutes in their place? What is it that reconciles this oppression of the Catholics to the mind of the right hon. gentleman? Has he discovered any new danger—and what is it? If any, let him propose the securities he may think calculated to meet it. But let him not continue to support these groundless measures, producing real insecurity and real danger, both to the Church and the State, when, by his own admission, the danger is past, against which they were intended to protect us.

But the argument of the right hon. gentleman, respecting the safety of religious toleration, where the majority of a people are of the Established religion, makes too much in favour of the Roman Catholic claims since the Union, not to be insisted on. Mr. Pitt recommended the legislative Union between Great Britain and Ireland, upon those grounds; as rendering, under those circumstances, Catholic Emancipation a matter of sound policy and wisdom, and as obviating every danger which had ever been apprehended upon that score. Therefore, in consequence of the Union, the majority of the people of the united empire being Protestant, the argument of the right hon. gentleman, like Pyrrhus's elephants, which destroyed his own army, turn against himself, and support his opponents. He cannot deny, that in consequence of the Union, this argument has entirely changed sides. It is no longer the Church of Ireland, but the Church of the United Kingdom—or else it is no Union between the two countries.

This, therefore, being the only new danger, and this the only new argument still relied upon, in opposition to the claims of the Catholics—the state of the fact being reversed by the measure of the Union—both the supposed danger and the argument founded thereon, fall to the ground. It is, therefore, not too much to expect from the candour and good sense of the right hon. gentleman, as well as of his grace, the duke of Wellington, that they will see, in this new state of things, sufficient ground for altering their opinion, as to any danger arising from the admission of the Roman Catholics to the exercise of their constitutional rights. I indulge, indeed, sanguine hopes, that the manly mind of the noble duke will see the absurdity of continuing restrictions, the more irksome, as the pretended necessity for them, real or imaginary, has passed away. I do implore ministers to support a just and righteous cause. They have already done much. They have repealed the Test and Corporation acts. Those "bulwarks of the Church," as the bigotted have been accustomed to denominate them, have been removed; and, that they ever existed, will soon be forgotten.

Is it too much to hope, that the noble duke, under whose administration has been obtained this victory over prejudice, bigotry, and injustice, will take the same large and statesman-like view of a much greater and more important subject of the same nature—that as his mind has never shrunk from real danger, the unsubstantial phantom of injustice will not deter him from being the noble instrument for consummating a nation's happiness. To his other titles will then be added that of the pacificator of Ireland, the consolidator of the power of the English empire, the rewarder of those brave Catholics who fought under his banner, and toiled in the acquiring his renown. This will be adding another wreath to the laurel of victory, and will obtain for him a more transcendant and ever-during glory; as brilliant as unenvied, accompanied as it will be, by the well-earned and everlasting gratitude of his country.

There is an argument supposed to be unanswerable, relied upon by many of the opponents of this question, and which, in their opinion, seems to preclude all possibility of reply. It puts me in mind of the famous answer of the Clown, in the play, who calls it the courtier's answer, and says, it is fitted to every question, and seems to be about as significant. The answer of Touchstone to every question is, "Oh! Lord, Sir." The answer of those to whom I allude is—Really, at this moment, it escapes my memory. I beg pardon for my forgetfulness; but my excuse must be found in the silly nature of the objection itself—which now, however, occurs to me. It is this—that the Catholics hold a divided allegiance between the King and the Pope—that they owe the same allegiance to a foreign Catholic sovereign, the Pope, as to the Protestant king at home. Now, this is so far from being a peculiar objection against the admission of Catholics to office in a Protestant state, that it applies much more forcibly to a Catholic state. This divided allegiance, I contend, is much more formidable to a Catholic than a Protestant government; because, where the bulk of the subjects are under the influence of the Pope, there the power of the Pope will be more difficult to resist. But, on the contrary, where the bulk of a nation are Protestants, there is either no divided allegiance, or the influence arising from it is impartially weaker; as, in the one case, it can only act partially, whilst, in the other, it acts universally. Therefore, as far as divided allegiance is concerned, a Catholic state is far more exposed to any danger arising from it, than a Protestant state can be. In fact, however, no danger whatever can be apprehended from this source in either. All history proves, that Roman Catholics are as true to their allegiance as Protestants—that there is no fear to be apprehended from such a cause; and it is to be hoped, that no vague apprehension on account of divided allegiance will have any effect, in this House, hostile to the claims of our Roman Catholic fellow subjects.

Another most unworthy method resorted to, in order to excite the prejudices and passions of people against the claims of the Catholics is the exaggerated repetition of the tales of days long past, sophistically attributing to religion the acts of unprincipled and ambitious men in power—acts, sufficiently detestable—acts, not only not in accordance with, but contrary to, and repugnant with, all religions, and of which bad men, of every religion, have been equally guilty. Thus to visit on the heads of the present generation the crimes of the past, is sophistry of the most vulgar description. Persons indulge themselves, and attempt to mislead others, by obsolete stories of "bloody queen Mary," of "the monster, Philip 2nd," and of another monster of the same species; I mean bishop Bonner; and their crimes, which were at the time, probably, looked on by all good Catholics, with the utmost abhorrence—which they were compelled to endure and unable to prevent—to reproach the Catholics with those acts is as reasonable as it would be to reproach the Romans of the present day with the cruelties practised by, and under, Nero; or to reproach the present French nation with the horrors that were transacted in the reign of Charles 9th; and, indeed, nothing can be more unjust than to reproach a whole nation, at any time, with the atrocious acts of particular delinquents.

Upon this subject, I will mention an instance which came within my own knowledge. It is that of a petition which was sent to the House of Commons. A farmer, in a village in Leicestershire, was applied to by his clergyman to sign a petition against the claims of the Catholics. The farmer objected, saying, that he had no ill-will towards the Catholics—he knew no harm of the Catholics. The clergyman then edified him with the old stories of "bloody queen Mary," and the faggots of Smithfield, and asked him, with great apparent simplicity, if he would like to see Protestants burned again in Smithfield, as in the time of queen Mary? The honest man replied, he would by no means like to see or hear of any person being burnt; and was prevailed on to sign the petition.

Here, Sir, is a sample of the manner in which certain zealots go about extorting signatures for petitions against the rights of their Catholic countrymen. But whatever may be objected to the conduct of our English Catholic ancestors in the time of queen Mary, the Irish Roman Catholics stand clear from every imputation of persecution, even in those days. So far were they from being guilty of any acts of atrocity in those times towards the Protestants, that, according to the undeniable testimony of sir James Weare, the Solicitor-general to James the 2nd, that "when those that were persecuted in England fled to avoid the persecutions of Bonner and the fires of Smithfield, they took refuge in Ireland, where they were received with all that kindness and all that hospitality, for which the Irish have at all times been remarkable." Sir John Davis adds his testimony to the general character of the Irish, when he observes, that "there is no people under Heaven who more love impartial justice than the Irish;" and indeed this was the reason why they adhered, with such fidelity to the Stuarts, who had first extended to them that blessing.

I cannot help observing, for one, that such a religion, producing such fruits, cannot be bad. So far were the Irish from participating in the feelings of vengeance which actuated those who held the power in England, on the re-establishment of the Catholic faith, that they, "the savage Irish," as they are sometimes called, so far from concurring with these persecutions, instead of inflicting additional sufferings upon those victims who had fled to them for refuge, they, with characteristic kindness and generosity, stood forward as their protectors, gave them shelter, extended to them hospitality, and permitted the undisturbed exercise of their religion. Is it then becoming, is it fit, is it honest, or any ways justifiable, to reproach the Catholics of Ireland of the year 1828, with the delinquencies of our own countrymen, in the year 1500—and, in lieu of the gratitude which we owe them, hold them up as objects of reproach?

It is sufficiently clear, from all history, that violent men have committed atrocious acts in all times and in all countries, whatever might have been their religion. Would it not be as fair and as just to reproach the people of Geneva of the present day with the crimes of Calvin in burning Servetus, or the Presbyterian people of Scotland, with encouraging principles of assassination, on account of the fanaticism of former times having occasioned the assassination of archbishop Sharp? The members of that Church, once so remarkable for their fanaticism, are now universally admitted to be well-conducted, liberal, and enlightened. Nor should we now think of reproaching them for the errors committed by their party in former times; nor can we, without great injustice, prejudice the rights of the Catholics of the present day, by visiting upon them the sins committed by their forefathers. There is, in fact, no participation, no community of feeling, upon such subjects, between the times present and the times past.

Nor is it fair, as it regards religion itself, to attribute to its principles the crimes of those who profess it. All religions have been made use of for purposes of violence, oppression, and injustice. It has often been the pretence for bad men to indulge in their bad passions. It was not the religion of bishop Bonner that produced the cruelties which have loaded with execration his name; but the malignant and interested passions of his heart. It would become us rather to guard ourselves against, than to rail at, wickedness of this description. If, indeed, we could believe in transubstantiation, or had any faith in the Pythagorean doctrine of the transmigration of souls, we might be induced to believe that the spirit of Bonner, which we execrate, had been transfused into some living politicians of our own age and country; for there are men now alive who seem actuated by Bonner's spirit—men who, had they lived in his time, would have done as he did, or as he would now, were he still living as they are.

We have witnessed a recent instance of pertinacity and zeal—so furious in its display, so repugnant to the spirit of the times, so unbecoming in all respects an enlightened statesman and an enlightened age—as more to resemble the awakened bigotry of that persecutor, than the temper of a mind upon which the progress of social refinement and knowledge had produced any effect. Of all infatuations it is the greatest and most melancholy to observe one reproaching others with the very spirit with which he himself is actuated. A singular phenomenon presents itself at the present moment of a person so acting—one upon all other occasions remarkable for hesitation, delay, indecision, and doubt. Is it not surprising, that an acute, legal understanding, fraught with knowledge of law, and yet so timid and doubtful upon subjects with which it is most familiar and best informed upon—carrying want of decision to an extent of weakness, receives often in its consequences, more destructive even than wrong decision, to those who are compelled to await its judgments — betraying such self-misgivings, doubts and perplexities, on all legal points on which it is most competent to judge, and yet, upon this great question of religious liberty, become at once the firm, unshaken, unhesitating, opponent. Is not this an inconsistency of mind, lamentable in its consequences, and surprising to behold—that upon this question, which has engaged the attention of all the great statesmen of the preceding century—which has been advocated by them all, and advanced by their exertions to its present position—which, as established in principles of truth and reason, all the great ornaments of this House have gloried in supporting—whose success, whenever it shall be accomplished, will have been owing to the exertion of their talents—that, on such a subject, with such advocates, and so sustained, a great lawyer should, for once, be confident in his own opinion, and without doubt or hesitation reject that of men who have enlightened the world, who have broken up the ground of ignorance, whose labours have prepared the soil and sown the seed, leaving it to their successors, under happier auspices, though with humbler hands, to reap the harvest. In this glorious band stand foremost the names of Burke, Fox, Grattan, Sheridan, Pitt, Windham—to which I may also add lord Grenville, the state of whose health alone prevents him from raising his voice in favour of the suffering Catholics, and advancing his claim to the title of a friend of religious freedom. Notwithstanding these authorities, the great legal person before alluded to, whose life has been passed in doubts and difficulties, has ceased for once to find either difficulty or doubt. The authority of these great men, Sir, upon this subject, comes with additional force: no grains of allowance are required to be taken with it; for their opinions were not rashly, but maturely formed, in the vigour of their lives, in the strength of their judgments; and what is of still greater importance, their decisions were free from all suspicion of interested views. On the contrary, though every feeling of interest conspired to lead them to a different conduct, they strenuously laboured to establish this great question, from a sense of its permanent necessity. It stands, therefore, before the world, not only cloathed with eloquence and wisdom, but undeniably recommended by honest conviction. The only influence to which they have bowed upon this point, is to be found in the importance of the measure itself, and their unfeigned belief of its being essentially necessary to the peace and happiness of the country. That a person of long forensic habits should be "with darkness and with doubt encompassed round about," when all authorities are in its favour, and yet, in defiance of all authorities, of transcendent eloquence, and acknowledged wisdom, should make up his mind at once in opposition to all, is one of those strange moral phenomena, which men cannot but wonder at, and is certainly the standing miracle of our day.

Sir, to dwell upon, or to controvert the notion, of the pope's influence in Ireland, would now be idle in the extreme. The idea is become ludicrous. The Pope no longer alarms the most timid mind, by thunder from the Vatican. Like Bottom, in the play, he "roars you like any sucking dove." So little, indeed, is his authority and power with the Catholics of Ireland, that, not long ago, they refused to comply altogether with his wishes. Indeed, there was an end to the Pope altogether, if this country had not thought fit, when he was fallen, to set him up again. It is the government of England that placed him again in the Vatican. They it was who set up this idol at which they now tremble. Such fears, one would have thought, might have been dismissed, in the nineteenth century; and the same magnanimity at least, which had been displayed in the fifteenth, by the ministers of queen Elizabeth, might have been expected from the ministers of the present day. I do not, however, ask them to attempt impossibilities, or to aim at that greatness which is beyond their reach. It should, however, never be forgotten, that queen Elizabeth, encompassed with dangers of every description, the legitimacy of her birth questioned by all the Catholic states of Europe, her titles unacknowledged, her own Catholic subjects therefore exposed more naturally to suspicion, and which would undoubtedly have attached to them by any less magnanimous prince—she, in the midst of her difficulties, little regarding what titles were or were not denied to her, content with possessing the affections of her subjects, with her parliamentary title to the throne, secured herself, by a course of liberal and enlightened policy, and infused into the whole nation a spirit of wisdom and magnanimity, which directed her whole government.

This system of policy her wisdom pointed out as the most effectual security for the Church and for the State; and she thus set at defiance the whole Catholic world arrayed against her. Undismayed she regarded the colossal power of Spain, then in the height of its glory, and directed by the bigotry and power of Philip 2nd—an empire, of which it was said in those days the sun never set—when its armies had acquired the highest renown in Europe, for military discipline; when its newly-discovered mines in the new world were supposed to be inexhaustible treasures—and when, at the same time, the power of France was wielded by the Guises, the uncle of her rival, united with Philip 2nd, and leagued with the Catholic provinces of Germany to extirpate heresy from Europe—when assassinators was deemed a justifiable part of State policy —when the dagger of an infuriated fanatic had laid low her only ally, Henry 4th—when the massacre of St. Bartholomew was a recent event—when the duke of Alva was exercising his bigotry and cruelty uncontrolled against the Protestants in the Low Countries—in such a state of the world, and when the Reformation had but just been effected; whilst the people of England were, perhaps, for the major part, Catholic, Irish Catholic, and Scotland hostile—her magnanimity under these combined difficulties and dangers, forbad her listening to the weak suggestions of narrow-minded politicians, and her wisdom pointed out to her her proper course, in confiding to her loyal and brave Catholic subjects. When minds of an inferior cast, entertaining selfish or honest apprehensions, endeavoured to poison her ear with suspicion, she replied with characteristic wisdom and resolution, "I cannot believe in the disloyalty of my Catholic subjects. Have they not, like the Protestants, their honour, their estates, and their country to defend; and will they be ready to sacrifice these upon any consideration, and least of all to the pope?" She trusted them; and that she wisely trusted them, their conduct sufficiently proved. They served her with a courage and devotion worthy of the noble confidence she reposed in them. Thus stood queen Elizabeth alone, in the midst of appalling difficulties; not looking to a standing army for support, but relying entirely on the native courage, and resolution, and affection of her people: and the page of history exhibits her as a rare example of sagacity and fortitude, and does justice to the consummate ability with which she extricated herself from apparently insurmountable difficulties. It should not be forgotten, that to a Catholic nobleman was intrusted the conduct of her fleet; who, notwithstanding the anathemas of the pope upon her and all who assisted her, scrupled not to meet and conquer that invincible Armada, which had concentrated the force of Catholic Europe.

Will any one compare the dangers of the present time to those to which I have alluded? Can any one think Catholics now less worthy to be trusted, than in those times? That they would serve less faithfully and bravely now, than they did then? Or can any doubt that a similar result would flow from a similar policy? Nay, so devoted was the Catholic admiral to his queen and to his country, that when Elizabeth, with characteristic consideration for her subjects, wished, in order to spare their pockets, to lay up her fleet, as soon as she had heard of the dispersion of that of Spain, lord Howard, the Catholic admiral, ventured to remonstrate against that order, and requested to be permitted, at his own expense, to keep the fleet together until the country was secure.

Thus, Sir, did the Catholics of those days resist Catholic powers and the pope to boot, in defence of their country. Nor were the Catholics in that great cause more to be distinguished from their Protestant fellow-subjects, or less forward in their endeavours to obtain victory with their blood, than in the recent victory of Waterloo, or in the obtaining of any other glory, which they have successfully achieved together.

Bearing these circumstances in mind—reading history with the eye of reflection

—and considering it as the voice of past times for the instruction of the present, let us apply it to the important question now under consideration, and ask ourselves, whether it may not be worth our while to take a lesson from the page of English history to apply to Ireland. Let us ask ourselves, if it be not worth while to extend the beneficial principle of religious liberty to that country, which has been found, upon all occasions, so productive of benefits to this? And whether Mr. Pitt was really mistaken, in anticipating the advantages which would flow from it? Surely those who lay claim to particular respect for the name or character of that statesman can hardly refuse their co-operation.

Whether this equal justice administered to the people of Ireland would or would not be a panacea, as some are pleased to call it, for all its various miseries, is more than I can pretend to say; and if it is true, that he would be a bold man who should assert that any single measure, or panacea, could affect a cure for all the ills incident to Ireland, yet would he be a still bolder man, in my opinion, who should assert that he can point out any single grievance to which this measure would not bring some alleviation.

Let not gentlemen indulge in the habit of repeating what is often so thoughtlessly asserted, that the great bulk of the Irish nation care little for Emancipation—in fact, that they care nothing about it. Surely they must recollect, how sensibly alive the people of Ireland are to this grievance—that owing to this they have been kept in uninterrupted sympathetic opposition to the government of England; so that it has become so mixed up with all the affairs of Ireland, that it is impossible to separate it from any thing complained of. It is, indeed, the only point that equally affects the whole population. The poor man subscribes his mite, the rich man contributes his wealth, in order to remove it. Every thing relating to it runs through the whole nation, and, from the highest to the lowest, like an electric shock, it runs through every link of the chain of society. Indeed, it seems impossible to deny, that civil disabilities arising from difference of religious opinion, at the same time that it is an outrage upon common sense, is also a stigma from the degradation of which there is scarcely any sacrifice, that almost any people would not be willing to make to relieve themselves from. That stigma and that degradation are heavily felt by the people of Ireland. It is the iron that has entered deepest into their souls. Indeed, this is the nature of man. Steep a man in poverty to the very lips, he may have fortitude to bear it; but add insult and contumely to poverty, and the mental degradation which is inflicted becomes too great for mortal endurance. A people alive in all their feelings, as are the Irish, feel most acutely upon this score; and it betrays the grossest ignorance of the state of opinion in that country to suppose that the poorest inhabitant of the poorest cabin does not consider it as his greatest misfortune. No man can have been in Ireland, for ever so short a period, without perceiving that the whole population are feelingly alive to this degradation. From this it would be the wisdom and the policy of England to relieve them. A wise legislature will endeavour to elevate, and not to depress, to raise and not to lower, the tone of human nature—to realize the poet's boast of his country—

> "Where e'en the peasant knows his rights to
> scan,
> And learns to venerate himself as man."

If it be true, as stated by some present, that Catholic Emancipation is only regarded with anxiety by a few aspiring lawyers or ambitious noblemen, desirous of eminence and influence in the state, or, added to them, a few commoners anxious to get within these walls—if this were a true statement, how do the enemies of concession upon this point, account for the voluntary taxation and productiveness of the Catholic rents?—for the poorest inhabitant of a cabin eagerly contributing a pittance of his pittance, in the hope of removing what he considers an odious stigma, an intolerable disgrace?

But it has been said, that the granting of these claims of the Roman Catholics of Ireland would do them no good—that it would be of no benefit—that it would not remove their poverty and want of employment. Yet this is asserting more than can be easily proved. It would not make the poor rich—still it would increase riches and alleviate poverty. Mr. Pitt's opinion, however, was quite the reverse. He held out, as inducements to the people of Ireland to agree to the Union with this country, that all being rendered peaceful, by the removal of religious intolerance, a state of things would be produced in Ireland, that would recal the wealthy to revisit their country; would attach them to the soil; and would, moreover, offer a tempting field of speculation to English adventure, would thereby cause the introduction of English capital; which, vivyfying Irish industry, would introduce wealth, tranquillity, and peace. Mr. Pitt thought, that profitable employment of the population would be the best means of relieving abject poverty: and that even if it did not produce all these desirable effects, it would unquestionably prevent the constant drain of capital from Ireland, which the present unsatisfactory state of that country occasioned, which rendered it ineligible for any man who had any option there to reside; and that, in fact, none, excepting those connected with government, or compelled by necessity, would continue in a country, where a state of things existed, which excluded all hope of tranquillity and peace.

There is no saying, indeed, what would be a panacea for so dreadful a state of things. At all events, it is fit that something should be tried; and it would be productive of great good to try this measure, even though it should produce no more good, than those who oppose it prognosticate; as, at all events, it would relieve the people of Ireland from being the dupe of those false—if they be false—expectations, which they now entertain. But, can any man contend, that to place all men in a country upon an exact footing—that to declare, that there should be no class marked for proscription, no class taught to look down upon every other as their inferiors—would not be gratifying to the proscribed would not tend to allay jealousies and heart-burnings, and to diffuse joy and peace?

To those who oppose this measure, on account of their attachment to the Church of England, I would say, it is the means, not of weakening but of strengthening that Church. It is, indeed, but an ill compliment to any church to proclaim, that it can only be supported by the aid of penal statutes and the bayonets of soldiers. But, considering the Church, for a moment, as these zealous supporters of it seem to consider it themselves—that is, as not capable of being maintained, except by such aids and assistance, I will venture to affirm—even if the Church of England were such a grievance as this mode of defence necessarily implies—which, however, I deny—it seems to me a necessary consequence, that if you separated from an acknowledged great grievance other grievances which are considered as contingents and as adjuncts to it—so far from endangering it, you will free it from a load of odium, from a harshness of character, which is not necessarily connected with it, and would be thereby more firmly establishing it, or at least mitigating hostility to it, in the minds of the public. But to hold up the Church of England as in itself a grievance, as its zealous supporters do—to represent it as the cause of, or excuse for, most other grievances complained of, is a line of argument in support of it, which, in any rational view, seems to me perfectly inexplicable.

I repeat what I stated at the outset of my speech, my preference of the Church of England to all others. I prefer it on various accounts, and for various reasons. First, because I was brought up in it; which is, perhaps, the best of all reasons. But I prefer it also, because I consider it as founded on more liberal and tolerant principles than any other. Indeed, so tolerant and so liberal is the Church of England, as it appears to me, that to define it precisely would be no easy task. Were I called upon so to do, I should rather be induced to attempt it by negatives than by affirmatives. For instance, I should say, that it was not Catholic—and yet that it had many points of striking similarity to it. The late bishop of Rochester, Dr. Horsley, was accustomed to declare, that the Catholics, as they were nearer, so they ought to be dearer, to us, than any other Church differing from the Establishment. I should say, that it was not Calvinistic—and yet so much is there of Calvinism in it, that Calvinists may conform to it. I should say, it is not Lutheran—and yet that there is enough of Lutheranism in it for Lutherans to conform to it. I have always understood from history, that the main principle upon which the English Church was founded was a principle of comprehension; and being liberal and tolerant and wise, it naturally was adapted to enclose all rational Christians within its pale.

Therefore, in contending for religious liberty, I am contending for that which is conformable to its principles; and in combating the principle of intolerant exclusion, I am combating that which is most prejudicial to its interests. I am endeavouring to persuade the Church of England to shed the benignant influence of its principles upon unhappy Ireland; to complete the Union which Mr. Pitt commenced; and place the Church on stronger ground, by freeing it from those miserable props and supports; which should rather be called incumbrances than props, and which, instead of strengthening, undermine its foundations. If it is at all insecure, it is owing to those securities which have been devised for preserving it. Religious tests have been recently deprecated by the heads of that Church, in the other House of Parliament. They have done honour to themselves by their candour and their charity; and by removing those bulwarks, as they have been called, the Test and Corporation Acts, and deprecating a system of exclusion and of religious tests, on account of the insincerity they necessarily engender, have secured to themselves a strength of public opinion far more efficacious and honourable, as support of the Church, than oaths and tests and penal laws.

Sir, I cannot help flattering myself, that I am entitled to the support of every man of sense and candour, upon this great question. To ensure it, it is enough to remark, that the circumstances which gave rise to that state of things which I seek to remedy, have no longer any existence—that we are now living, not in the fifteenth, but in the nineteenth century—that it is the year 1828. If it be true, as stated, that the Church is really interwoven with the State—if the Church is wound round the State, like ivy round the oak—by invigorating the one, you strengthen the other.

But if these evils complained of are great in themselves, they are aggravated by the mode of their infliction. They may be said to be twice caused; that they are a mutual annoyance to both parties—to the one who imposes, as well as to the one who endures. I will appeal to every member of the House, whether it is not a most painful circumstance, previously to taking a seat in a new parliament, to be compelled to pronounce at the table a declaration revolting to one's feelings—which, from habit indeed, he is little accustomed to reflect upon, and considers a matter of form; but on which, if he did reflect, he would be shocked at being compelled to pronounce what he must consider as foul calumny upon men, with many of whom he is in the habit of living upon terms of friendship and esteem; whom he mixes with in all the ordinary transactions of life; whose virtues he frequently witnesses; and yet is obliged to impute to them sentiments, and to make assertions himself, degrading to both, which nothing but parliamentary privilege could protect him against the indignation of those injured, if pronounced in any other place, and which must be painful to his feelings as a gentleman.

It is high time to get rid of this opprobrium and shame, to relieve ourselves from this painful conflict of feeling. If there are new dangers that have arisen to the State in these times, let it be plainly stated what they are, and let new remedies be provided against them; but let us, at all events, clear away those old and useless and clumsy contrivances, the causes and reasons which gave birth to them having long ceased to exist. Were I arguing as an English lawyer upon such a topic, I should say, that, on that plain, common-law, maxim, "*cessante ratione cessat et ipsa lex*," these laws had themselves died a natural death, and were obsolete.

It will, perhaps, be remarked, that I have, upon this occasion, omitted all mention of that fertile topic of dispute—securities. And this I have done, because I am firmly of opinion, that it is an interminable subject of dispute, and that they are, in fact, of no value. The great security both for Church and State is—equal laws and equal justice. "*Id enim est firmissimum imperium quo obedientes gaudent:*" and there are no people in the world more easily satisfied than the Irish. I call upon you to pay them a long-contracted debt. At the same time, it will be received by them with gratitude, as a boon; and with the same good feeling and good faith which have been evinced by the Irish upon former occasions, will you be repaid on this. I therefore implore the House to consolidate the feeling of the United nation, by procuring the best of all securities for a State—equal laws and equal justice. At the same time, if there are gentlemen whose minds are so differently constituted from my own, or whose heated imaginations, or long-indulged prejudices, give rise to apprehensions, which I cannot participate, or comprehend—who are still alive to the old and exaggerated and now worn-out dangers of past times; or if they apprehend other dangers, and wish for other securities, they may propose them. But I own their fears appear to me as childish, and the securities as feeble and unavailing, as hanging an amulet round the neck of an infant, to protect it against agues, or nailing a horse-shoe on the threshold of a door, to protect a house against witches.

If, I say, there are those still who seek securities, it is for them to propose them. I stand upon no trifles; and, on the part of those I advocate, knowing their spirit of conciliation, I have no doubt of their willingness to acquiesce in any securities that can be proposed, consistently with their honour and their conscience. Securities which infringe upon these, they cannot grant; and such no wise government will ever exact.

I trust and hope, that in advocating this great cause, I have not unintentionally made use of any argument which, by possibility, can excite angry or unpleasant feelings on the mind of any man; but that as I have been anxiously endeavouring to harmonize the jarring spirits of all parties upon this subject, I shall prevail upon the House, with liberality, and dispassionately, to consider it; to look at it only in one point of view, as beneficial to the whole country; and that they will not retrograde from those sentiments which they formerly expressed, but will again sanction by their vote that measure of peace and justice which I am now about to propose.

I move, Sir, "That this House do resolve itself into a Committee to consider the State of the Laws affecting his majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his majesty's subjects."

The motion being seconded by Mr. Brougham,

The *Solicitor-general* said, that nothing would have induced him to offer himself at that early period of the debate, but his great anxiety to explain to the House and to the country the grounds on which he intended to give his present vote. He would endeavour to make that explanation with the same moderation and candour which had distinguished the able, argumentative, and temperate speech of the hon. baronet. He would endeavour to adhere as closely to the subject matter of this argument, as the hon. baronet had done; though he regretted to say, that on one important branch of it, on which he had been most anxious to hear the hon. baronet, he had been completely silent. For when we found that from the Reformation downwards to the present times, it had been the anxious desire of the nation to unite the Protestant establishment with the State, he expected that some argument would have been offered, and some proof adduced, for the purpose of showing that there had been such an important change in the spirit, opinions, and reasonings, of the persons in whose favour the motion was made, as ought to induce the House to accede to it. As the proposition of the hon. baronet required no security from the Catholics, and as the Catholics were themselves unwilling to give any, our acceding to it, would, in effect, be to let six millions of Irishmen, who were completely under the dominion of their priests and bishops, remain free from any control on the part of the Crown, and would lead to the direct interposition of a foreign potentate in the affairs of this country. Now, from the earliest history, such a state of things had never existed in England. He would endeavour to follow the hon. baronet through his different arguments; and as he had placed the foundation of them all upon the Treaty of Limerick, he would offer a few observations on the wording and fair construction of it, which would convince the House that it ought to come to a very different conclusion from that of the hon. baronet upon that treaty. The hon. baronet said, that he wished to have the question argued, as if it were before a court of justice. Now, he would deal more fairly with it; for lawyers construed all instruments to the letter: he would give it a liberal construction, and would contend, that even if it were construed according to its spirit, it would not bear out the construction which the hon. baronet had put upon it. In the Treaty of Limerick it was quite evident that there were two sets of persons contemplated in two different clauses. The first article referred to all Catholics in the kingdom of Ireland; the remaining articles to those Catholics who were in Limerick, or under the control of certain officers in the neighbourhood in the pay of king James. He said that this was done advisedly; for if the hon. baronet would refer to an act passed in 1695,—he meant the 7th Will. 3rd, s. 4,—he would find that it was passed with the avowed intention of disarming all the Catholics of the kingdom; all such persons as were in Limerick and in the neighbouring garrison towns were specifically excepted from its operation. Now he contended, that if a general act was passed for disarming all the Catholics of Ireland, and if an exception was made in favour of the inhabitants and garrison of Limerick, it was only fair to infer, that the prevalent construction put upon the treaty shortly after its signature was, that, excepting the first article, no article applied to all the Catholics collectively. The first article certainly applied to all the Catholics of the kingdom; but then it merely admitted them to the enjoyment of "such privileges in the exercise of their religion as were consistent with the laws of Ireland;" and surely those words could not embrace advantages which had so little to do with religion as seats in parliament. If the garrison of Limerick had intended to bargain for any such advantages, they would never have used words so foreign from their intentions; for everybody knew that sir Toby Butler was then in Limerick, and that he passed out of the gates with the army, and sir Toby was too good a lawyer and too accomplished a scholar, to have furnished his countrymen with language so different from the meaning it was intended to convey.—It was said in the 9th article of the Treaty, that the oath to be administered to such Roman Catholics as submitted to their majesties' government, shall be the Oath of Allegiance and no other. The meaning of those words was, that if they who were in arms against king William, and submitted to him, would swear allegiance to him, it would be considered enough. If it were said, that it was then agreed that the Oath of Allegiance should be the only oath which the Roman Catholics should take in future, he would meet that assertion by reminding hon. gentlemen, that there were at that time in existence various acts of parliament, requiring various oaths to be taken by Roman Catholics, as, for instance, the oath against the Pope's Supremacy, enacted in the reign of Elizabeth, and the last Oath of Supremacy enacted in the reign of Charles 2nd. Now, it would be a very narrow construction of this treaty to say, that when king William required those who submitted to him to take no other oath than the Oath of Allegiance, he also agreed to require no other oath from all the Catholics in the kingdom. It always appeared to him, that the argument which the other side raised on this Treaty of Limerick proved, if any thing, a little too much; for if the treaty were to be construed as they insisted, it followed, that happen what might, no further yoke could be imposed on the Roman Catholics. If that were so, then was the Roman Catholic placed in a much better situation than his Protestant fellow-subject. No one would pretend to deny that parliament had not a right to limit the qualifications of persons elected to serve in it. Now, did any one suppose, that if, after that treaty, a law had been passed, declaring that no Protestant who had less than 300*l.* a year should sit in parliament, the Roman Catholic would have been exempt from its operation? If, therefore, the argument of the hon. baronet meant any thing, it meant this—that the Roman Catholics were to go scot-free, whilst the Protestants were to be liable to all sorts of parliamentary restrictions. Was that, he would ask, a statesman-like argument? Was it a statesman-like way of viewing this great question, to allude in this manner to a treaty a hundred and thirty years old, to dwell upon its having been broken—if broken it was—contrary to the faith of nations, without reference to what had since taken place, without reference to the Union with Scotland and the Union of Ireland, both of which had for ever asserted the pre-eminence of the Protestant religion, as inseparably connected with the state establishment? Why, as well might the hon. baronet select some obsolete record, passed during the contentions between the houses of York and Lancaster, and argue from it conclusively, upon any subject connected with general British history, as quote in this manner the Treaty of Limerick. Suppose the hon. baronet were to go still further back, and say that the Breton Law was the law of Ireland, because it was undoubtedly so in ancient times, and Henry 2nd had agreed to observe it, but his successor, Edward, took it away. The argument would be just as good in the one case as in the other. These arguments, drawn from remote antiquity and founded upon documents which were really a dead letter, ought not, in the present day, to be raked up among deliberating men. And, after all, in what sense did the Irish themselves consider this treaty? If the House would refer to the Journals of the Irish parliament, they would find that that body in the October of the year which followed that treaty, commenced business by reading an English act of parliament, to the binding power of which over their country not the slightest objection had been made. This binding power of England over Ireland had been maintained by the ablest lawyers, from lord Coke downwards. He knew this doctrine, be it right or wrong, had been denied; still he would repeat, it had received the sanction of the ablest men. At that time there was only one Roman Catholic (the member for Tuam) in the House of Commons. Indeed, he was convinced, that nobody ever dreamt to admit the Catholics generally as a body into parliament during the reign of Charles 2nd; all that they required was, a security for the free exercise of their religion.

The hon. baronet had, in the second branch of his argument, insisted that what the Catholics were now seeking was a natural right, by the exclusion from which, he says, they are deprived of an inalienable right, which they held, as derived from God. Now, that this was not the case, any man must see who reflected upon the well-understood distinction between natural and acquired rights. Life, liberty, property, were all natural rights: all governments being instituted for the good of the governed, were bound to protect these; and any authority not exercised with that view, and opposed to their protection, must be deemed to be guilty of something like an act of suicide, and as abandoning its legal municipal functions. What the Catholics claimed were not natural rights, but privileges which, from the very earliest ages down to the present times, had been, in different states, uniformly denied to certain classes of people who professed opinions destructive of the social order which the legislature had framed for its own civil polity. These might be called scruples of conscience, but the legislature could not palter with them. Who would think of appointing a Quaker, who interpreted to the letter the passages of Scripture against resistance, to be a general? Who would think of intrusting a man, holding the doctrines of the German Anabaptists, as to the community of property among Christians, with the office of a judge? Who would have thought of admitting the Fifth Monarchy men, in the time of Cromwell, to join in the administration of any regular government? Only those who held opinions consistent with the safety of the state could be admitted to office: those must be kept out who held opinions leading directly to its destruction. The violation of natural rights sounded well, but the abridgment of political privileges were not to be confounded with penal laws. Penal laws were those enactments which inflicted punishments on a man for worshipping the Divinity according to the dictates of his conscience. Against such laws he would ever raise his voice; but to exclude from office persons holding opinions detrimental to the State, was not a punishment; it was a matter of self-preservation.

> "Sensus moresque repugnant,
> Atque ipsa utilitas, justi propè mater et æqui."

When we considered what were the grounds on which the existing laws were passed, in order to knit and unite together for ever the Protestant Church with the State; when we saw the caution with which these statutes were enacted, let us ask ourselves if any thing that now appeared before us justified us in repealing them? Did it not rather appear, on the contrary, that the necessary result of throwing open the door of political power, and letting in those who, in opinion, doctrine, and acts, were under the dominion of foreign influence, would be to endanger the whole fabric of the government, in Church and State? He would follow the example and advice of the hon. baronet, and would not revive the memory of those cruel disputes in which these laws had their origin. He knew it would only tend to bring back those animosities which, in the discussion of this subject, of all others, ought to be avoided. But he would not consent to pass such a libel on the wisdom of our ancestors, who enacted these laws, with all the events of those times fresh in their minds, as he should be a party to, if he did not beg the House to remember, that these laws had been supported and upheld by some of the greatest men that adorned the history of this country. At the Revolution, were not those safeguards against the encroachments of the Roman Catholics moulded by statesmen who were ornaments of mankind.

He would take up the subject historically, and show that these laws which excluded Catholics from the enjoyment of high official power, had gone on regularly, with the deliberate sanction of the greatest authorities, and had been invariably introduced in the most solemn enactments of the state. Take the time of the Reformation, and it would be seen that, in the very first year of Elizabeth's reign, she began by resisting an appeal to repeal the principle of these restrictive laws. She insisted upon maintaining the policy which her father had adopted, of utterly extinguishing and putting away the influence of all foreign power within this realm. She denied and denounced all foreign interference with the ancient discipline, authority, superiority, and pre-eminence, of the Church as by law established. And in this determination she did not profess to introduce a new principle of government, but to maintain an undoubted prerogative of hereditary power vested in the crown of England. She introduced an act for "Restoring the Rights, Privileges, and Pre-eminence, of the Church of England," and repealed the 1st and 2nd of Philip and Mary, which contravened them; and the intention was clearly expressed in the preamble of the act of Repeal, which stated, that it was to abolish "for ever, all foreign power, spiritual as well as temporal, in this realm."—At the Restoration, the Test and Corporation acts were passed precisely for the same reason; namely, the security and well-being of the Established Church. He mentioned them, to show the jealous apprehension with which in those times the Church of Rome was viewed by the British government, and the firm intention to fortify, by restrictive clauses, the indissoluble connexion between Church and State. Then followed the Revolution; and there again the principle was recorded, in the most solemn manner, of the supremacy of the Church, as by law established, which had been previously endangered by the machinations of James the 2nd. It was then that the monarch was required by law to take what had since been called the Coronation Oath, and to pledge himself, "that he would to the utmost of his power maintain the laws of God, and the Protestant reformed religion, as established by law." He knew that various interpretations had been put upon the oath to which he referred; that by one party it was contended that no alteration of parliament could affect so serious and solemn an obligation, and by another, that it was capable of a new construction, at the will of the legislature. Both these opinions he believed to be wrong: in his own view, the substantive meaning of the law which imposed the oath was, that the king had no power to do any act which tended to subvert or endanger the pre-eminence of the established religion of the country.

He had shown what was the feeling of parliament both at the Reformation and Revolution, and the same principle was re-asserted in still later times. The next occasion after the Revolution for any great legislative enactment connected with this principle was in 1707, at the time of the union with Scotland; and in that celebrated settlement the same solemn pledge was required and given in the most expressive and significant words, that the oath should be taken and subscribed, "for the maintenance and preservation inviolably of the constitution, discipline, and authority, of the Church of England, as by law established."—At the distance of another century came the Act of Union between Great Britain and Ireland, and the same clause, in the same words, was embodied, to give permanence to the principle which was recognized at the Reformation, the Revolution, and the Scottish Union. The faith of the nation had been, in this solemn manner, pledged over and over again, at every important epoch of British history, that the Church should be inviolably maintained, as an inseparable and integral part of the State. He knew it had been said, that this abolition of Catholic power within this realm was only intended to apply to spiritual supremacy; in fact, to ecclesiastical interference, quite unconnected with the practical business of life, merely to overthrow the spiritual domination of the Church of Rome within this realm. This he must deny: the legislature meant for ever to exclude the interference of the see of Rome with the domestic affairs and allegiance of British subjects, and thereby to maintain the policy which, from Richard 2nd downwards, the sovereigns on the British throne had jealously observed in this respect against the bishops of Rome. Was it likely that at so many different periods of our history great men would have been so scrupulous in preserving these restrictive laws, if they had not felt the evil practically against which they meant to guard? Why was the statute of *Premunire* passed, if no real inconvenience had been felt?

But he was prepared to prove, from the authority of the Catholics themselves, that to this very hour they maintained the doctrines against which, by a uniform current of enactments, the legislature had scrupulously and inflexibly sought to guard. Here the hon. and learned gentleman referred to the pastoral letter of Dr. Troy, in the year 1793, to show that Catholics held the pope to be the vicegerent of St. Peter, to derive his authority direct from God, and to exercise it independent of human tribunals. Was it not known that the ecclesiastical tribunal of the Romish Church took cognizance of testamentary causes of marriages, and other important civil contracts, by which it, in point of fact, sought to regulate and control the most important and influential temporal concerns of life? Was he not, then, warranted in asserting, that there had been no change in the opinions of Catholics, to justify that House in throwing open the door for their admission into place and power? for that, after all, was the question which they had to discuss—it was admissibility to place and power, as disconnected from religious toleration. It had been contended, that the Catholics of the present day were not men harbouring the same opinions as those of the past—This he must deny: they did maintain the same opinions, and their introduction to power with them would be exactly that which it had been at various times the policy of their ancestors to prevent. There was another thing which struck him as singular; and which, indeed, added greatly to his distrust in the conduct of the Catholics of the present day. They, in point of fact, asked more of this Protestant State than they had been ever suffered to enjoy by sovereigns of their own communion. There never was a time, from Richard 2nd downwards, in which Catholic potentates had not carefully guarded themselves against the operation of the bulls and other politico-religious machinery of the see of Rome, and insisted that these documents should pass through their hands, and not be promulgated without their previous sanction. The hon. baronet had said, that the present race of Catholics disavowed this domestic interference of the see of Rome: no such thing, the authorities to whose jurisdiction they bowed maintained the direct contrary. In proof of this, he quoted the resolutions of the Irish Catholic bishops and parochial clergy of the diocess of Dublin, on the 27th of May, 1813, who, upon seeing the copy of the Roman Catholic Relief bill of that day, had resolved, "that the guards and securities therein contained were incompatible with the discipline of the Roman Catholic Church!" Now what were these guards and securities? That the Crown was to have a negative upon the appointment of the Catholic bishops, and the same, restricting the promulgation and enforcement of the papal rescripts within this realm. The Catholic clergy, however, formally declared, that "they could not admit this interference of the Crown of England;" and that "the granting of any power to an anti-Catholic government, directly or indirectly, in the appointment of the Catholic bishops, would be at all times inexpedient, and now highly detrimental to the interests of our religion." Here was a clear proof, that while they sought confidence from the legislature, they were not disposed to afford the same in return. This was one reason why he must withhold his confidence from them, and another was, that the Catholics were now asking more from this Protestant state than they had required in any other country in the world, where the subject had been agitated.—The hon. baronet had quoted the various states of Europe, in which, as he read their history, Catholic privileges were not withheld, and where they enjoyed those privileges which were denied to them in this country. Now, beginning with Austria, which is perhaps the most Catholic country of those alluded to by the hon. baronet, was not the nomination of the Catholic bishops vested in the Emperor? Was it not also vested in the crown of Sicily, and in that of Naples, which closely approximated to the territorial jurisdiction of the see of Rome. Not in one of these countries, Catholic as were their governments, could a papal bull or rescript circulate and have validity, without the royal assent previously obtained. Even in Spain, which might be said to be the very child of Catholicism, the king exercised exactly the same control over the connexion of his subjects with the pope. There were, besides, two countries, which, though not as strictly Catholic, were yet (one of them at least, Russia) to the point. In Russia, in the year 1780, there was no

Catholic episcopal establishment in that empire; but the empress, when she then established a Catholic archbishop, specifically enjoined that no papal authority should be exercised within her jurisdiction, without having been previously submitted to her for her approval. In Prussia, where the majority was a Lutheran population, and the minority Catholic, Mr. Adams, who was the American plenipotentiary at the court of Berlin, had stated that the authority of the pope was a nullity in Silesia, without the previous concurrence of the king, who had the appointment of the vicar-general and bishops, the confirmation by the pope being a mere formality. Some attempt was made to resist the king's supreme authority in this matter by the synod; but it soon ceased, when he firmly held his power; and the same result would now attend similar conduct on the part of parliament, if they persevered in refusing the Catholics what they had never attempted to extort even from Catholic princes.

From every consideration which he could give this subject, he was unable to find the slightest alteration of the Catholic opinions, against which these penal restrictions had been framed. Not a single renunciation of any obnoxious tenet had taken place—not the least attempt to qualify or restrict that power of the pope which had been felt so dangerous to the civil liberties of the country. He wished to be understood as looking at the question politically, not theologically, and as alluding to the fearful connexion between popery and tyranny, an alliance too plainly demonstrated by the page of history, in which the spiritual and temporal dominion of the see of Rome went hand in hand. Well might Andrew Marvel have said, that they had risen and grown up together, and would only separate when they both perished. His objection to the Catholic church was its exclusive pretensions. They allowed the sanctity of no other sect; they, and they alone, were the true Church, and descended from God. The hon. and learned gentleman here referred to the evidence given before parliament by Dr. Doyle, who, in obvious terms, denied the validity of the ordination of a Protestant bishop, as being derived from an authority without the pale of the Catholic church; whose infallibility, though disguised with some flimsy qualifications, was yet plainly asserted. Well might a highly-gifted poet exclaim of the Catholic church, that it was—"Immortal and unchanged." To say it was immortal was rather a stretch of the poet's imagination, but "unchanged" it certainly was, and would to all appearance remain. He referred again to the evidence of Dr. Anglade, to show how uncandid and unsatisfactory were his answers respecting the pope's infallibility, for, although the pope (according to the doctor) was fallible, yet with his council his decision became infallible. But when he was asked, should the council and the pope decide so and so, (alluding to doctrines repugnant to Protestant supremacy in this realm), then would not their decision be final throughout the Catholic church?" "No," answered the bishop, "I should think the church never will decide that, and the supposition therefore never can be realized." The doctor was asked, "Do you not hold the church in the definition of articles of faith to be infallible?" Answer—"Yes." And he then went on to admit, that there was always in these admissions an exception raised for the "rights of superiors;" and in the class-book of Maynooth college, it would be seen, upon reference to the evidence taken before the commissioners of Education, that this reservation was practically enjoined, although a qualification of its force was referred to, which, however, was found introduced in the class-book, twenty pages before the rule itself [hear]. In the year 1773 the Jesuits were suppressed, and from that moment the Catholics received greater protection in the different states of Europe. After the suppression of that order, the empress of Russia allowed a Roman Catholic archbishop to become a resident in her dominions. Indeed, from the dissolution of the order of the Jesuits might they date the rise of that good feeling towards the Catholics in those European states, where reasons of state and policy had hitherto debarred them from countenance or power. However, but three or four years had now elapsed since the pope re-established the Jesuits in all their former power, and with all their former immunities. In a bull which the pope issued in the year 1814, he says, that the Catholic world had called aloud and with one voice for the re-establishment of the order, and that by the many petitions which had been addressed to him from different countries to that effect, he had received abundant proofs of the desire which existed throughout the Catholic community for the re-establishment of the Jesuits. The bull then went on to re-establish the order as it formerly existed. All those circumstances were so many proofs that the spirit of this church was only sleeping, but not extinguished; and it was on this ground that he would object to the introduction of the Roman Catholics into power [hear, hear]. While the circumstances which would warrant a measure of that description had gradually diminished since the year 1813, the demands on behalf of the Catholics had gradually increased. Was not that a suspicious circumstance in itself? He would say also that the tone in which the Catholics thought fit to make known their complaints to that House was not that of respect, but a tone of a very different description. No one could read their addresses and their petitions without being sensible that their tone of complaint was much higher and bolder than it had hitherto been. If he were told, as he had been told in that House, that he should cast aside all fears and apprehensions regarding the admission of Catholics to power, he would beg of them to pause, and to consider what took place at the last general election in Ireland. He would ask those who had seen the species of dominion which was at that period exercised by the Catholic priesthood of Ireland, in drawing the peasantry of the country from the duty which they owed to their landlords, whether it did not show that such a power, if it were allowed a greater scope, would be pregnant with the most dangerous consequences. The hon. baronet had dwelt upon the distresses of Ireland; and those distresses had been attributed by the petitioners to their political exclusion. There was no man who felt more for those distresses than he did; or who was more anxious to see a real and practical amelioration effected in the condition of that country. But he differed widely from the petitioners as to the causes of the evil, and the remedies by which it could be eradicated. Let them commence by educating the people, by diffusing amongst them a better system of instruction, by spreading throughout the land the Sacred Scriptures, and by introducing the powers of industry and wealth. By the introduction of industry and the diffusion of true religion, the population of Ireland would at length be placed in the right way; and then, and not till then, would they be capable of appreciating that full portion of liberty to which it was now proposed to admit them. These were the considerations which weighed with him in opposing this motion. He had delivered his sentiments plainly, fearlessly, and openly; and believing as he did in his conscience, that the admission of the Catholics to power would be highly dangerous to the constitution of this country, he should oppose the motion.

Mr. *Perceval* said, that in rising to support the motion which had been brought forward by the hon. baronet, he felt himself bound, in duty to himself and to the House, to state the reasons which induced him to do so. The opinions which had been entertained on this subject by his lamented father were well known, and if he did not feel a reverence for that father's opinions, he should not only not be worthy of a seat in that House, but he should not be worthy to hold up his head in society. It might be well supposed, that the sentiments of his lamented parent had had a great influence in the formation of his political opinions; indeed, from his habits and education, he was naturally biassed against the question which had been that night submitted to their decision. But when he came to reflect upon the subject, he began to waver, and when he first had the honour of a seat in that House, his mind had already been pretty nearly convinced that the fears and alarms which were excited upon the subject were not the offspring of sound wisdom, and had not any foundation in fact. Impressed, however, as he then was, with those doubts, yet wishing to pay a due deference to the opinions of that parent whose name he should ever respect, and being unwilling to hazard his own judgment in opposition to them, he gave at the time a silent vote against the measure. In acting thus upon that occasion, he trusted he had done nothing which was unbecoming, or which could now be thrown in his face as inconsistent with his present line of conduct. Having said that he had given a silent vote upon a former occasion against this measure, he was now the more anxious to state the grounds upon which he did not support the question, than those upon which he had determined to give it his support. He did not support the motion with the feeling that those who resisted it were chargeable with bigoted and intolerant motives. Such an accusation, in his opinion, was equally unjust and unfounded. He would confess, then, that he was sorry to see a charge of that nature conveyed in the speech of the hon. baronet. This great question had been for years the chief, if not the only land-mark of those divisions which separated the two great parties in the state, and their respective leaders at least might be said to stand upon one common principle. What said the advocates of the measure? What was the language of Mr. Grattan, lord Grenville, and the other illustrious men whose names had become identified with this question? All of them admitted, that if they conceived that the success of the question would endanger the Protestant establishment, they would not support it. What, on the other hand, was the language uniformly held by the opponents of the measure? "We will agree to the concessions," say they, "if we could be brought to believe that they might be granted with safety to the Protestant established church." There was no difference then of principle between the opponents and the advocates of this question; but there was a difference of judgment as to the future effect of an untried law. He wished to stand completely clear from the suspicion, that in supporting this question, he participated in the feelings of indifference which had been expressed by some, as to the immaterial nature of the differences between the Protestant and Roman Catholic churches. Such feelings he totally disclaimed. He should be sorry, indeed, if any words which he should utter went to countenance such a mischievous delusion upon the human mind respecting the most important of all subjects, as, in his conscience, he considered the Roman Catholic religion to be. That religion was, in his opinion, a foul pollution of the word of God. That sacred word was clouded and shaded by the superstitious interpolations and corruptions of that church; which, while it pretended to lead its votaries to heaven, led them astray from the pure undefiled word of God. Nor could he admit that the Roman Catholic church had undergone any change in its principles, but he differed from his hon. and learned friend, in considering that fact as any ground for resisting the present motion. He would maintain that she still remained unaltered as to principle—that, in fact, she had not retracted one jot of her principles; but he would say, that she was controlled, mitigated, and subdued by all that had taken place around her. Many might suppose that the Roman Catholic religion had become changed, but he did not think so. If the Protestant mind could be deluded into the notion that the Roman Catholic religion had undergone a change, its vigilance against the growth of that religion would become relaxed. He believed that the Roman Catholic religion was controlled by Protestant light and principles; that it was diminished in the form which it presented to the eyes by the Protestant atmosphere by which it was surrounded, and by that free circulation of opinion and that spirit of inquiry which belonged to the Protestant religion. Notwithstanding the abominations and the enormities of the Roman Catholic church, he believed that by the vigilance of the Protestant mind, and by the pressure of Protestant principles, it had been reduced to a state of comparative harmlessness. But if that vigilance were relaxed, if that pressure were removed, sure he was that she would put forth her toils again—that she would stretch her limbs and fill every space of power which she formerly occupied. He was here, however, speaking of a probability of which there was no chance. If the sun by its rising did not alter the nature of the tiger, it drove him to his den, and mitigated that ferocity which it did not change. He would fearlessly maintain that the prosperity of this nation was bound up with her Christianity; and he could not help thinking that he, who had been pleased to set up the true light of religion in this country, would also be pleased to continue it here in spite of all the attacks that might be made upon it: how else were we to account for the fact, that while political storms had been harassing the rest of Europe—while every popish capital had been visited by calamity—while almost every popish royal family had by turns been banished from the land of their ancestors—England alone had been able to ride on her course secure and triumphant? As long as this Union continued, her greatness will continue; and he would rather drop down dead in his place at that moment than aid in dissolving such a Union. If the Protestant religion of England was now worth five years' purchase, we could admit the Catholics with perfect safety. There could be no danger with them, but there might be danger without them. The Protestant religion was the true religion, and no danger could accrue to it from the admission of Catholics to parliament. When popery had every thing in its power—when its dominion possessed an unlimited extent—when peers, commoners, and all classes were Roman Catholics—even at that time a few men, with the truth upon their lips, dislodged popery from its strongest holds, and established that pure religion which now existed in this country. Let but the same principle be still maintained, and it would be impossible for popery to make any successful inroad upon the establishment. That principle, they should recollect, had to contend against the inveterate prejudices of all the inhabitants of this country; and had to fight its "upward and laborious way," against the various obstacles which power, place, dominion, and long-established habits, then opposed to its progress: but, in spite of these, truth became triumphant—it now possessed all the secular advantages for its maintenance which at one period belonged to popery in this country, and with "all these appurtenances to boot," he could not bring himself to think that it would give way, on account of the admission of a few Roman Catholics to parliament. He would repeat, that if it should fail under such circumstances, it could only arise from its being rotten at heart. If the Protestant principle and the Protestant religion be true and sincere, they never can fail. He would be the last man to support this motion, if he could perceive a chance of the least danger to the Protestant religion from the admission of Roman Catholics to parliament. He would not say that the thing would be impossible; but, when he took into consideration the increased vigilance which the admission of Roman Catholics would excite on the part of the Protestants against the Roman Catholic religion, he conceived that the measure would be productive of beneficial consequences. That vigilance would succeed, as praying, preaching, and printing, had done in former days, in preserving the truth, and in dispelling falsehood. If, then, there existed but a probability of danger on the one hand, while on the other the measure would be attended with practical good, he felt himself justified in supporting it. He would ask the opponents of this measure what were their reasons for continuing their opposition? There was no doubt but Ireland was at present under the dominion of the priests—would they maintain a system which produced such consequences? He deplored the miseries and misfortunes of unhappy Ireland: a set of demagogues, whose ruffian eloquence but too well answered their purposes, kept up a continual state of irritation, and divided and distracted society by their inflammatory harangues. But if unprincipled men like these were able thus to divide and disturb the country, how could they be removed, if the causes which had drawn them forth and imparted to them such undeserved importance were allowed to exist? He had spoken plainly on the subject of the Roman Catholic religion. In doing so, it was not his wish to offend the feelings of any individuals; but he could not avoid giving expression to his sentiments. He prayed that justice might be done, and that it might not be imputed to him, that he had done that which was calculated to weaken or endanger the religion or constitution of this empire. If he had been so unfortunate as to have adopted a wrong course on this occasion, he could only in conclusion say that he could not help it.

Mr. *M. Fitzgerald* said, there was one point in the speech of the hon. baronet who had introduced this motion, in reference to the Union, to which he was desirous to advert, as he had been intimately connected with that transaction. But before he did so, he could not refrain from offering some observations on what had fallen from the learned Solicitor-general. The admirable exposition of the Treaty of Limerick, which had been given by the hon. baronet, had been characterized by the learned Solicitor-general as a most unstatesman-like view of it. Now, he did imagine, that when the learned gentleman applied such an epithet to what he considered a masterly and statesman-like view of that transaction, he would have been prepared to justify his description of it, not by a point of special pleading, but by some special act of parliament which followed that treaty. He was sure the hon. and learned gentleman must feel, that he had put not alone an unstatesman-like, but an illegal, construction upon the articles of that treaty. He would beg to call his attention to the words of the second article of the Treaty of Limerick. This article, the hon. and learned gentleman seemed to think was confined exclusively to the residents and inhabitants of Limerick, and to the army serving there. On reading the terms of the article, it would be impossible to give them that construction. He would beg the attention of the House to the words of the second article. "All the inhabitants or residents of Limerick, or any other garrison now in the possession of the Irish, and all the officers and soldiers now in arms, under any commission of king James, or those authorized by him to grant the same in the several counties of Limerick, Clare, Kerry, Cork, and Mayo," &c.—all these were admitted to the benefit of the treaty. Now, if the learned gentleman would wish to exclude from the benefit of the treaty his majesty's Catholic subjects in Ireland, he should be glad to know what earthly reason could induce the Crown to grant more to those who were found in actual rebellion against the government then in Ireland, and who were considered as rebels, than they would confer upon the remainder of their Roman Catholic subjects in that kingdom? The learned gentleman had manifestly put an interpretation upon this article of the treaty, which was neither supported by argument, nor warranted by the words of the treaty itself.

The next point to which the learned gentleman had applied himself consisted in a history of the statutes which formed that complete code, which he said ended in the oath imposed upon the sovereign. He would deny that that oath was the completion of the code. But if a necessity had arisen for the imposition of that oath upon the sovereign, the other laws must appear as the consequences of it. That oath was considered at the time as a perfect security against all dangers. He would ask the learned gentleman, whether he would maintain, that the dangers which formerly existed were still in existence? Was it not a fact, that the pope of Rome was now perfectly impotent and innocuous? There was a time, however, when queen Elizabeth was excommunicated by the pope of Rome, and her subjects released from their allegiance. That was then an efficacious sort of terror, and likely to be followed by the most dangerous consequences. But that magnanimous princess did not think the less of the disposition of her Roman Catholic subjects. To many of them she gave public tokens of her confidence; and in addressing her parliament, she used these remarkable words:—"I agree with you in distinguishing the papist in principle from the papist in faction." That was what this House was now called upon to do. They were not called upon to grant that which would confer a factious power upon the Roman Catholics, but to consent to a measure which, by extending to the Catholics an equality of rights with their fellow-subjects, would unite them more firmly in their attachment to the State.—The learned gentleman had also read, out of a mass of controversial papers, things that appeared to have puzzled the controversialists themselves. On this subject, however, he would make one remark: if there were difficulties connected with the doctrines of the Church of Rome and of England, this was not the time to start the question as to what securities should be demanded to protect the latter; nor did he see how that which was to come afterwards was any fair ground for objecting to the appointment of a committee. The hon. baronet had very wisely confined himself to a general view of the subject, and had left it to some future stage of the business to take into consideration all those points which were calculated to settle the establishment of the proper securities. He entirely concurred with the hon. baronet, that the best security the Protestant religion could have from the Catholics, was their civil allegiance to the king. When Mr. Pitt had contemplated the relief of the Catholics, in the year 1789, he had taken the opinion of all the universities, as a preliminary step, on the question whether any doctrine was held by the Catholic Church that would tend to prevent concessions being made to them; on that head, he had received from the universities the most satisfactory answer; and, in consequence, in 1791, he introduced a legislative measure, granting certain rights to the Catholics.

The hon. baronet had alluded to the legislative union, and on that point he wished to say a few words. It had been his fate to have given a decided concurrence in that measure at the first moment that it was broached. He had afterwards, therefore, to contend against the prejudices, and, if they would, the patriotism of his countrymen, and to stand the brunt of a great deal of obloquy. But of that obloquy he was perfectly careless, as he was satisfied with the purity of his motives; it being his decided conviction at the time, as it was still, that in the then situation of Ireland, that measure was the only mode for preserving the connection between the two countries. The necessity of the measure was first suggested to the mind of Mr. Pitt, at the period of the collision between the two respective parliaments on the Regency question. Mr. Pitt conceived, that one of the best means of preserving the connection consisted in giving to the Roman Catholics an interest in its preservation. Accordingly, in the very year that the collision occurred between the parliaments, he had the queries put to the universities, which he afterwards followed up by the introduction of the bill into parliament, granting several concessions to the Catholics. The Union had been preceded by one of the most alarming and best-combined conspiracies that had ever been formed. He alluded to that of the united Irishmen. Ireland was then in a most alarming situation; and this conspiracy, combining as it did upwards of five hundred thousand men, was well calculated, if not arrested in its career, to overturn the government, and establish in its stead a republic, in imitation of that of France. This society commenced in the north, and was originally confined exclusively to Protestants: no Catholic was admitted, as in the opinion of the directory, the Catholics were not to be trusted; they would reveal the secret in confession to their priests, and their priests were considered too loyal to conceal it from the government.

The next circumstance which must have drawn the attention of Mr. Pitt to the necessity of a Union, consisted in the frequent attempts of the French to make a descent upon Ireland. In 1796, fifteen thousand men arrived in Bantry Bay. They consisted of some of the best troops in France, and under the command of one of the best generals. Had they landed, nothing would have prevented them from marching to Dublin, and overturning the government. Why Hoche did not reach Bantry Bay, and how he was prevented from arriving there, he would not pretend to say; though perhaps, Mr. Pitt, if he had thought proper, might have been able to give some explanation of the circumstance. The consequence, however, was, that the rebellion, by the deprivation of this foreign aid, had not the vigour that had been expected, and the authorities in Ireland had fortunately been enabled to get it under. Mr. Pitt now felt, that it was become absolutely necessary to remedy the dangers which must result from the exclusion of that vast proportion of the Irish population, who differed from the doctrines of the Established Church; and that he did intend to remedy them, by making Catholic Emancipation a measure consequent upon, if not concurrent with, the Union, is a matter which his declarations, as well as the evidence of all those who were connected with the accomplishment of that project, place beyond the slightest dispute. The marquis Cornwallis was sent to Ireland for the purpose not only of quelling the rebellion, but of putting down the system of exclusion which had so long prevailed in that country, and at the same time of extinguishing that faction which had so long ruled the government itself with the most despotic sway, and had directed and controlled all the proceedings of the parliament of Ireland in the support of their doctrines of exclusion. That system, lord Cornwallis attacked; and, with his (Mr. F.'s) perfect concurrence, he exerted his best efforts to put down that corrupt system which had so long ruled over the country. From that circumstance arose the intimacy which afterwards subsisted between him and lord Cornwallis — an intimacy which was a subject of pride to him. The course pursued by lord Cornwallis, and the hopes which are held out that a Union between the two countries would lead to Catholic Emancipation, induced him to vote for that measure. The hon. baronet had stated, that the intention of proposing a Union was first announced by a pamphlet written by Mr. Cooke, who was then under-Secretary of State in Ireland a gentleman of considerable ability, and—whose own private doctrines and feelings leaned entirely towards the Protestant monopoly. That individual drew up his pamphlet in concurrence with lord Castlereagh, and in accordance with the language of Mr. Pitt's statement. He said, "It is necessary to hold out to the sectaries of Ireland certain advantages as likely to result to them from the accomplishment of the Union." It was not necessary to state specifically what should be granted, but to raise an expectation, that if the Union were carried, those persons should derive from it all the benefit they could desire. There was one short sentence in Mr. Cooke's pamphlet which he thought it necessary to quote. That gentleman stated, *seriatim*, the advantages which he conceived would accrue to the country from the Union; and in the seventh proposition he observed; that "an opening may be left, in any plan of Union, for the future admission of Roman Catholics to additional political privileges." Now, at that time the Roman Catholics were in possession of the elective franchise; and, therefore the passage which he had cited could only apply to the privilege of sitting in parliament. Mr. Cooke was an advocate for the Protestant monopoly, but in stating, as he had done, that it was impossible for Ireland to remain as it then was, what did he mean by the phrase "establishing a steady administration?" Was his meaning that the Protestant ascendancy should be exclusively supported, and that the claims of the Roman Catholics should be cast aside? That could not have been his meaning; for he asked, "Will the Roman Catholics allow this?" And he went on to say, "It is utterly impossible that, in the contemplated new state of things, the Roman Catholics can continue to be excluded." This was Protestant authority, and it tended to show distinctly the grounds on which the Union was founded. Mr. Pitt and Mr. Dundas in this House, and lord Grenville and lord Minto in the other, all, as appeared by their speeches, looked forward to an United parliament, not merely for a temperate discussion of the Roman Catholic claims when they were brought forward, but for the ultimate success of those claims. Lord Castlereagh, in his place in the Irish parliament observed—

"The Protestant, so long as the Establishment remains separate, and is impeached on local grounds will feel his power, his property, and his establishment insecure, and must naturally look with distrust, and jealousy, on the Catholic. The Catholic will feel proportionate alienation and resentment, and will continually urge his claims against the establishment of the minority; and there appears no hope whatever of a termination to distrust, jealousy, and alarm. But so soon as the Church Establishment of the two kingdoms shall be incorporated into one Church, the Protestant will feel himself at once identified with the population and property of the empire, and the establishment will be placed upon its natural basis. The cause of distrust must vanish with the removal of weakness; strength and confidence will produce liberality, and the claims of the Catholics may be temperately discussed and impartially decided, before an imperial parliament, divested of those local circumstances which produce irritation and jealousy, and prevent a fair and reasonable decision."

Such was lord Castlereagh's language before the Irish parliament: and he spoke thus guardedly, knowing perfectly well that it was a critical acknowledgment, and that if he went further, and spoke directly of concessions to the Roman Catholics, he might risk the loss of the measure which he was endeavouring to carry. Indeed, so much apprehension was entertained at the time, that the measure would lead to the relief of the Roman Catholics, that Dr. Duigenan described the Union "to be a treacherous project to cheat the Protestants, and to admit the Roman Catholics to all the privileges of the constitution." Mr. Dundas, speaking on the subject in the House of Commons in 1799, observed—

"The Protestants would of course lay aside their jealousies and distrusts, being certain that against any attempt to endanger the Protestant Establishment in Ireland, the whole strength of the United parliament would be exerted, and, on the other hand, every Catholic who is a friend to the connexion with Great Britain, but is desirous to obtain any indulgence, and be admitted into a participation of every privilege and benefit consistent with that connection, would be confident that their cause would be candidly and impartially considered by a United Parliament, the great body of which would be free from those apprehensions, jealousies, and inveterate animosities interwoven into the frame and constitution of the separate Parliament of Ireland."

He would now call the attention of the House to the sentiments of a noble member of the other House (lord Minto) upon the subject of these consequences of the Union. So important were the expressions of that noble lord considered by the administration, and so completely did they coincide with the opinions of the ministers of the Crown, that a pamphlet containing the speech was actually circulated by their order in that kingdom, and he had himself transmitted it at their request to many of the leading Catholics of Ireland. He was aware that it must be irksome to the House to listen to so many extracts from documents, but he trusted the House would forgive his attempting to bring into a connected shape that documentary evidence which went, in his opinion, to establish virtually a solemn pledge upon the part of the government of England to make the concession of the claims of the Catholics a consequence of the accomplishment, by their consent, of the Union with Great Britain. The words of lord Minto were these:—

"Ireland requires a legislature founded on a broader and more liberal basis to administer important laws to all, and reconcile security with justice. In the United parliament, right may be done unaccompanied with wrong, Irish Catholics may be invested with their political capacities without the slightest danger to Protestant establishment or property. He considered the probable admission of the Catholics as the principal recommendation of the measure of Union, when disposed to have an article to that effect, but would not hazard the measure, and would expect it as a natural consequence of the Union."

When such was the feeling of the ministers of the Crown at that period—when such were the sentiments of the greatest administration, perhaps, that this country ever saw—when such language was used in the two Houses of parliament, without calling forth a dissentient voice—when that language was echoed by the general approbation of the English parliament—when they considered of whom that parliament consisted; namely, of two parties, the one devoted to the support of that cabinet, and the other known to be friendly to emancipation—when they recollected, that those speeches to which he had referred were printed by the command of government, at the public expense, and sent from the castle of Dublin to the military commanders in different districts, and were disseminated throughout Ireland—if this series of circumstances did not contain as positive an affirmative declaration of the opinion of the ministers of that day on the subject of emancipation, as could be made, he could not conceive what ought to be denominated a positive affirmative. He had taken the liberty of making himself a witness and an authority on this subject. He had supported the Union on this particular point; and he should be wanting in his duty to himself, if he did not state, that the intention of the government, which had never been denied or concealed from him, was, that the Union should be followed up by the concession of the Roman Catholic claims, and on that ground he had voted for the measure.

Now when he spoke of a pledge, he felt himself called upon to observe, that he had seen it remarked in a pamphlet—the production of an author who, he believed, published one annually, previous to the discussion of this question—that no pledge whatever was given. The author stated, that after great research he could find but one solitary passage in Mr. Pitt's speech on the subject, that afforded the slightest foundation for saying that any pledge had been given—that, in fact, no general pledge whatever was entered into; and he added this reason for coming to that conclusion; namely, that Mr. Pitt could only pledge himself. Truly, that was so. Mr. Pitt unquestionably could not bind the parliament. He said, "I cannot pledge myself to any article with respect to the parliament of Ireland;" and in answer to Mr. Sheridan, he observed that "to take such a step would be to create an embarrassment which might prevent the Union." Mr. Pitt, however, and every other minister of the Crown declared, that "the separate legislature of Ireland prevented the granting of emancipation, because that legislature feared that such a measure could not be conceded without danger to the Protestant establishment; but that when the Union of the two countries was effected, it would be followed by relief being extended to the Roman Catholics."

He had stated, that a great degree of caution was imposed on those who so spoke in favour of the Roman Catholics. It was indispensably necessary that it should be so, lest an alarm should be excited which would prevent the measure of Union from being carried. Such was the violence of feeling manifested on this subject by the Protestant parliament of Ireland with reference to this question, that when the last appeal was made there on behalf of the Roman Catholics, he had voted for the motion in a minority of fifteen against three hundred, although that motion was connected with another very desirable measure, that of parliamentary reform. He could not adduce a stronger fact, to show the hopelessness of carrying Roman Catholic emancipation in the Irish parliament, under such circumstances. Was it supposed, by those who denied that any pledge was intended to be given, that Mr. Pitt meant the Union to be a final compact? Could any man imagine that Mr. Pitt, who had stated that Ireland was threatened with great danger from the exclusion from political privileges of the Dissenters from the Established Church—that body, as compared with the latter being six or seven to one—could any man say that Mr. Pitt thought the country would be relieved from that danger, by the mere measure of an Union with Great Britain? The thing was ridiculous. But every doubt on that point had been removed by the able and intelligent letter which Mr. Pitt addressed to his late majesty; in which he stated, in the most explicit manner, that he wished that great question to be set at rest; and to that letter he would appeal as the best proof of his intention.

But, on the other side, he would ask, what was the feeling and impression of the Roman Catholic mind on this subject, pending the Union? That was a most important point for consideration; because every man who reverenced good faith would feel, if hopes were held out to the Roman Catholic body which induced them to concur in this measure—and he contended that such hopes were held out to them—if they acted under an impression of that kind, that it would be utterly base and unworthy, they having performed their part of the compact, to leave them in the lurch, and deprive them of that consideration which they had been taught to expect. Now upon that point he would beg the serious consideration of the House while he read a very few lines, to show what the feeling of the Roman Catholic body was. The communication which he was about to read was made in a letter addressed to him by a Roman Catholic gentleman whom he would name; and when he had named him, he was sure it would be admitted that a man of higher character, of purer honour, or of more unimpeachable integrity, did not exist—he alluded to Mr. Howard, of Corby. Mr. Howard stated in his letter, that he had had many conversations on the subject of the Union with lord Cornwallis; and he proceeded to say:—

"Whatever was at first the subject of conversation, it soon turned to the impending measure of Union, and with me generally to the interest the Catholic would derive from it. He always called the exclusion of Catholics the odious monopoly, and repeatedly urged that the measure was the only means of getting rid of it. But he further, particularly on two occasions, desired me to speak to all the Catholics I knew, and which I did, to urge them to place confidence in him for success. 'If they will only place their trust in me, it will be to their best advantage.' Of course I repeated this to every Catholic I knew, and among the rest to lord Fingall, who will remember it, and to whom he had said this and more. I recollect also, that Dr. Moylan told me that lord Cornwallis had spoken to him to the same effect. I do not believe that lord Cornwallis was capable of deception; and inferred then, as I must now, that this had been assented to by both the king and the cabinet (and though this did not amount to an absolute pledge in words, yet, from a gentleman and a chief governor, it could not be interpreted otherwise), I cannot attribute the failure in any other way than to the subsequent state of the king's mind."

The next passage to which he would call the attention of the House was taken from notes made by Mr. Howard, either on the evening on which the conversation occurred, or on that which followed:—

"Speaking" observed Mr. Howard "of the inflamed state of the mind between sect and sect, I said that I thought it was owing to him that it had not come to the full extent of mutual extermination, which I conceived had been daily gaining ground. This, lord Cornwallis said, must have been the event. I trusted, however, that with respect to the Catholics, as it appeared to be the interest to conciliate them, that would be an object of the Union, and that without it, I thought the Union was nothing. He repeated that certainly without it the Union was nothing; that it was, however, impossible to bring any thing forward before, because in an Irish parliament it would not be carried. I said that, however, the silence and mystery created both uneasiness and impatience. He answered, that he believed it to be so, but that he thought the Catholics had shown a great deal of temper, more than he could have expected, by some joining for it, none appearing actively against it, and not coming forward to distress him with their claims: he wished they would place confidence in him. We had some conversation about an establishment for the clergy, which he said he had talked over with lord Fingall, whom he highly esteemed—that, depend upon it, the Catholics will be the first objects of consideration when they were able to act free from shackles. He said that he was most fully convinced that an establishment for the clergy would be most amply compensated by loyalty; that he knew priests were not their own masters. I repeated, that a loyal priest with a disloyal flock must starve. He said, he knew many were driven to silence or inaction, or to take part with their flock."

This was the language used by lord Cornwallis, one of the most honourable and prudent men that ever existed: and that honourable man expressly directed his sentiments to be circulated amongst the Roman Catholics. Could there, then, be a doubt but that declarations such as these must have biassed the minds of the Roman Catholic body on the Union question? He should only trouble the House by reading one more passage, one very short sentence, but both curious and important, which was communicated by lord Fingall to Mr. Howard. It was this —"Immediately after a conversation with lord Cornwallis, on the 13th of December, lord Fingall told me that lord Cornwallis had said to him, that, in the event of the Union being carried, he hoped lord Fingall would call on him to rise from his seat in the House of Lords, and to propose the emancipation of the Roman Catholics; that he meant so to do, and that he depended for success on the assistance given by the Roman Catholics to the measure of Union." Such was lord Cornwallis's decided and expressed opinion. He stated these facts from that which had been, at the moment, a confidential communication; but it was now no longer confidential; and he conceived that it was nothing more than justice to the parties concerned to quote that communication, for the purpose of showing what their known and avowed opinion was, to the last moment of their lives. Lord Fingall asked lord Cornwallis "if such were the feelings of ministers and of the people in England on the subject of the Catholic claims, as connected with the Union, why he did not make emancipation an integral part of the measure of Union?" He said, "You know the difficulty we have to encounter in carrying the Union; and if it were attempted, in conjunction with the other measure, all the zealous Protestants would fly off, and neither measure would be carried. But what doubt have you that emancipation would not follow the measure of Union? What parties does the parliament consist of? Mr. Pitt and his cabinet on the one side, and Mr. Fox and the Opposition on the other. The measure of emancipation will be supported by that cabinet on account of the Union, and Mr. Fox and his party, from principles of devotion to religious liberty, will also support the proposition. What party then remains? None." He begged pardon. An hon. gentleman whom he had in his eye (Mr. Bankes) would have remained; for he candidly and manfully, at the time the measure was proposed, spoke against the Union. He was the only exception, the splendid exception, amongst the whole of Mr. Pitt's friends, in opposing that measure. He said, "I do not like the measure—I cannot approve of Catholic concessions." Could any man stand in a more singular situation than the hon. gentleman did at that period? And did not his notice of Catholic concessions go to confirm the fact, that the general understanding was that such concessions were to follow the Union? The hon. member for Dorsetshire opposed the Union because he feared that concessions would subsequently be made to the Roman Catholics; but Mr. Fox and Mr. Grey, while they opposed the Union, expressed their determination to support the Roman Catholics.—He had read the last extracts to show, that the government of this country, looking to the Union as essential for the security of the peace, tranquillity, and almost the existence of the empire, felt that it would be impracticable to carry that measure in Ireland, without the acquiescence of the Roman Catholic body. The opinions he held upon the subject of religious freedom, made him at that time the organ of the government in its communications with the Irish aristocracy, and to them he had repeatedly expressed his conviction that it was determined to concede all that they desired. If any evils had arisen from the failure of those promises, they owed them to themselves. If the natural control of a high-minded and honourable aristocracy over the mass of the people, had been transferred to more dangerous hands? If the clergy had lost their influence over the minds of their flocks, and had become subservient to the laity? If a state of things existed, to which the best friends of the country looked with alarm? To what, he asked, was it owing? To the postponement of this question—a course which, if persevered in, would lead to a state of confusion, from which, perhaps, it would be found impossible to return. He should now lay before the House the statement sent over to lord Cornwallis by Mr. Dundas, on the resignation of Mr. Pitt's government in England. In that document, the reasons which induced them to retire, were stated in strong and emphatic language. It was there set forth that—

"The leading part of his majesty's ministers, finding insurmountable obstacles to the bringing forward measures of concession to the Catholic body, whilst in office, have felt it impossible to continue in administration, under their inability to propose it, with the circumstances necessary to carrying the measure with all its advantages; and they have retired from his majesty's service, considering this line of conduct as most likely to contribute to its ultimate success. The Catholic body will, therefore, see how much their future hopes must depend upon strengthening their cause by good conduct in the mean time. They will prudently consider their prospects as arising from the persons who now espouse their interests, and compare them with those which they could look to from any other quarter: they may rely on the zealous support of all those who retire, and of many who remain in office, when it can be given with a prospect of success. They may be assured that Mr. Pitt will do his utmost to establish their cause in the public favour, and prepare the way to their finally attaining their objects; and the Catholics will feel, that as Mr. Pitt could not concur in a hopeless attempt to force it now, that he must at all times repress, with the same decision as if he held an adverse opinion, any unconstitutional conduct in the Catholic body. Under these circumstances, it was not to be doubted that the Catholics will take the most loyal, dutiful, and patient, line of conduct; that they will not suffer themselves to be led into measures which can, by any construction, give a handle to the opposers of their wishes, either to misinterpret their principles, or to raise an argument for resisting their claims; but that, by their prudent and exemplary demeanour, they will afford additional grounds to the growing number of their advocates to enforce their claims on proper occasions until their objects can be finally and advantageously attained."

This advice was scrupulously followed: but the situation of the Roman Catholics continued the same. The message to the Irish parliament was to the same effect. In that the king declared, that he should feel it the proudest day of his reign in which, by the Union, he could consider all his people as one, confer all privileges and immunities on all classes of his subjects, and see them all participating in the fullest blessings of the British constitution. He had now brought the subject down to the accomplishment of the Union. In the king's speech in England the word "extend" was introduced. "This great measure, on which my wishes have long been earnestly bent, I shall ever consider as the happiest event of my reign, being convinced that nothing could so effectually contribute to extend to my Irish subjects the full participation of the blessings derived from the British constitution." Now, it had been stated by some persons—with a degree of effrontery for which he was unable to account, except from their ignorance of the subject—that if Mr. Pitt were now alive, he would change his opinion and withhold any concessions to the Catholics. Communications had been made to him (Mr. Fitzgerald) by high individuals; and when he communicated them to the House, he begged it to be understood, that he was not betraying private confidence, or altering or misrepresenting the sentiments and opinions of the great authorities he cited. All he intended was fairly and honestly to state the medium by which the Union had been accomplished, and then to leave it to the good sense of the House to decide whether Mr. Pitt, or any of the other persons concerned in that measure, would have become so frivolous as to change their opinions on such grounds as it had been stated, would have had that effect upon them. He knew very well that, after the Union, Mr. Pitt entertained the same opinions and the same intention. Soon after that measure had been carried, there were frequent communications and consultations in and out of the cabinet, on the subject of granting concessions to the Catholics. Mr. Pitt desired lord Castlereagh to draw up an argument in favour of those concessions, while he requested the opponents of them to draw up a similar argument in support of their opinions. For the latter argument, he had the authority of Mr. Pitt for saying, that nothing could be more inconclusive and unsatisfactory. But lord Castlereagh had given him (Mr. Fitzgerald) the argument which he drew up, and he would read an extract from it. The whole of this argument was extremely creditable to lord Castlereagh; but it was too long to trouble the House with. The right hon. member then read the following extract:—

"Should the necessary concessions be decided on, the advantages of its proceeding from government will naturally suggest themselves. Much benefit might arise from the boon being attributable to that settlement under which we are hereafter to live. It would make the Catholics in Ireland feel that their exclusion has been the necessary consequence of a separate constitution, and that their advantages have arisen out of an incorporation with Great Britain. It is idle to hope that Dissenters of any denomination or description can ever be so zealously attached subjects as those who are of the established religion; but the question is, what system, without hazarding the power of the state itself, is best calculated, if not warmly to attach, at least to disarm, the hostility of those classes in the community who cannot be got rid of, and must be governed. This latter consideration is of most pressing importance with respect to Ireland. That kingdom must in fact be considered as a country of security, and if we are to indulge an expectation that it may be redeemed from its present miseries, it must be by the adoption of some system, which, without relaxing the energy of government, shall relieve the public mind from its fundamental principles of perpetual struggle. Unless the power and stability of the united government shall afford the means in safety of adopting some principles of compromise amongst the contending factions, the difficulty of governing the country will rapidly increase, as every war adds materially to the relative importance of the dissenting interests. If the same internal struggle continues, Great Britain will derive little beyond an increasing expense from the Union. If she is to govern Ireland upon a garrison principle, perhaps in abolishing the separate parliament, she has parted as well with the most effectual means, as with her most perfect justification. In uniting with Ireland, she has abdicated the colonial relation: and if that country is hereafter to prove a resource, rather than a burthen to great Britain, an effort must be made to govern it through the public mind. It is obvious that the government of Ireland has difficulties incidental to it, which will require a much greater proportion of ministerial attention than Scotland did subsequent to the Union. Scotland, at that day, was but thinly inhabited; the people poor and industrious, and of habits so peculiarly regular, that, with the exception of the rebellion which sprung from a feeling of attachment to the exiled family, it may be said to have almost governed itself. Ireland, on the contrary, is highly populous, acquires wealth more rapidly than civilization. It is inhabited by dissenters from the establishment, split into factions, and these factions committed against each other, with all the rancour of past injuries as well as present distinctions. The law is imperfectly obeyed, and very ill administered by the magistrates, who are too frequently partisans rather than judges. In short, the tranquillity of the country is alone preserved, even in the degree in which it exists, by the perpetual intervention of the hand of government, exercising the most summary powers."

He would contend, therefore, that up to the year 1805, so great was the confidence which the Catholic body derived from the hopes which had been held out to them, that it was their favourite purpose to place this measure in the hands of Mr. Pitt; and it was not till Mr. Pitt urged the delicacy of his situation, as a reason why he should not bring it forward, that they confided the advocacy of their claims to others.—But it had been stated, that although the ministers of the Crown might once have contemplated this measure, yet it was in a time of greater peace and tranquillity, and that opinions were now broached, and actions now committed, which rendered it impossible that the Catholics could be treated with at present. Now he, for one, was not insensible to the dangers which might result from the present condition of Ireland, and no one saw better than himself, that the serious attention of the House ought to be turned to the state of that kingdom. At the same time, he was well convinced, that while this measure was procrastinated, the state of Ireland was not likely to be otherwise than they saw it now. He might entertain a singular opinion upon the subject, but he confessed that, if he were opposed to the Catholic claims as firmly as he was friendly to them—if he thought it dangerous to admit them, instead of believing, as he did, that danger must result if they were not speedily admitted, he should not desire to separate the Catholics from the pope. But the fact was, that they were rapidly separating themselves. It was not from events which were passing then, or which had passed lately, that he came to this conclusion, but from a calm and serious consideration of the inevitable consequences which certain measures must produce. Some years ago he had solicited an interview with lord Liverpool, for the purpose of drawing his attention to the practical state of Ireland. He told lord Liverpool then what was likely to occur. He told him that the people of Ireland were every day relaxing, and that the Catholic question was becoming more and more a national question. What he had anticipated had taken place. Why conceal it? It was no mystery: every body saw it; and their leaders boasted that the people were organized. He knew Ireland as well as any body, and he believed that that country was organized—that they had the concurrence of the clergy, and that their leaders could wield the whole population as one man. A few years ago this was not the case. What he had prophesied to lord Liverpool would come to pass in ten years, had come to pass in four. Four years ago the Catholic leaders had no power; they could do nothing to disturb the peace and tranquillity of the country. But this state of things was now no more. And to whom was this charge to be attributed? It was the act and measure of those persons who continued to oppose the claims of the Catholics; and on them must fall the heavy responsibility of answering to parliament and to England for any fatal consequences which might result from a state of things which had been brought about by their conduct. He did not mean to say that this organization was intended for bad purposes; but he did say that it existed, and that it was an awful circumstance that a country, in such a state of disaffection to the government from disappointed hope, and protracted expectation, should have become so organized that the whole of its population could be wielded and directed as one man.

Such was the prospect which Ireland exhibited to their view; and yet they were told by the learned Solicitor-general, that as long as the Catholic doctrines remained the same, there could be no change. He believed that he, personally, was as likely to live uninjured in Ireland as any other person; but he would beg to ask, in what situation did they place the country gentleman of Ireland? What did they impose upon him? The country gentleman in Ireland was surrounded by myriads of people, headed by leaders who could turn them all to any purpose that they pleased; nay, even to the very destruction of property and life. He entertained no apprehension that any thing of the kind would happen; but it was enough for his case, that the people of any country could be thus wielded to any purpose. He could not see the policy or the wisdom of slurring over this fact in mystery. Such was the condition of Ireland, and it ought not to be concealed. There was now an ultra Catholic, or apostolical feeling, as it was called, throughout Europe. There was America, too, in which many Irishmen, leaving their own country from disaffection, had settled and declared that they had been driven away from the land of their fathers. They were great in number, and had already, from the zeal and ardour of their conduct, obtained such a station in the country, as to enable them to exercise considerable influence on the election of a president. Moreover, they were actuated by irreconcileable hatred towards England, and a lively recollection of the wrongs which their countrymen endured. Was it wise to urge men into this hostility? He would not pretend to say how far that hostility might lead them. He did not mean to say that they would exert what influence they might acquire in any country to induce that country to practice upon Ireland. He was aware that this was at once a dangerous and a difficult topic to touch upon. He would pursue it no further; but why, he would ask, should they seem not to know a fact, which was within the knowledge of every one else? Why should they appear to be unacquainted with the main fact, that Ireland was disaffected to this country? The fact was known, and a remedy must be applied to this notorious evil. He could not conceive that there was any other remedy but the measure which their greatest statesmen had advised and supported. He besought them not to leave Ireland, to use an expression of the late Mr. Windham, a magazine of panic and danger—an expression, the truth of which would be calamitously realized, if they did not concede a question which at all times, he thought might have been safely conceded, but which could no longer be delayed with justice to Ireland, or with safety to the connexion between the two countries.

Mr. *Moore* said, he felt it his duty to make one observation upon what had been thrown out with respect to the Treaty of Limerick. It was not his intention to discuss that subject fully; the able manner in which the learned Solicitor-general had answered the arguments founded upon that treaty precluded the necessity of his adding any thing upon the subject. He wished, however, to call the attention of the House to a cotemporary authority, a proclamation that was issued by the Irish parliament, which, making use of the same language as the treaty, said, that they should be allowed the free exercise of their religious worship. He would ask the House whether the terms meant to imply any thing of a political nature, and whether their meaning must not be limited by the preamble of the proclamation, which was confined to religion? He would now add a word or two upon the line of argument which had been pursued by the right hon. gentleman who had just sat down. With respect to Mr. Pitt, he would say, that that statesman told them that in argument, and in argument alone, the Union would give facilities, not so much to the accomplishment of the measure, as to the fair discussion of it. He would appeal to the authority of Mr. Pitt himself, not only for the correctness of the spirit of this proposition, but for carrying the proposition farther than he had stated it. Mr. Pitt, in holding out the advantages which would result from the Union, not only held out to the Catholics, but to the Protestants also, the prospect of a fair and calm discussion of their rights. Mr. Pitt, on the 13th of May, 1805, in reply to what had fallen from Mr. Fox, said "I also felt that, in no possible case, previous to the Union, could the privileges now demanded be given, consistently with a due regard to the Protestant interest in Ireland, to the internal tranquillity of that kingdom, the frame and structure of our constitution, or the probability of the permanent connection of Ireland with this country. It is true, Sir, that after the Union I saw the subject in a different light; but whilst that event was in contemplation I did state, as the hon. gentleman says, that the measure would make a material difference in my opinion. But he has also stated what is very true, that I did not make a distinct pledge; on the contrary, I believe the line of argument I took was, that if it should be thought right to give what the Catholics required, it might be given after the Union with more safety to the empire; or, if it were thought proper to refuse giving it, that it might then be refused without producing those disastrous consequences which might have been apprehended before the Union." Had he not now redeemed his pledge, of adducing Mr. Pitt's authority. Had he not shown to the House that it was only fair amd temperate discussion, and attention to their rights, that was held out equally to Protestants and Catholics? It appeared also, that the impression upon the royal mind was, that the Union would shut the door to any farther importunities from the Roman Catholics. He begged leave to refer to a correspondence which was now well known. In one of those letters his late majesty wrote thus—"My inclination to an Union with Ireland was principally founded on a trust, that the uniting the Established Churches of the two kingdoms would for ever shut the door against any further measures with respect to the Roman Catholics."—The hon. baronet had called their attention to the high renown acquired by their Catholic ancestors, and had passed an eulogy upon them, in which he warmly concurred. But he must be allowed to say, that he thought no renown they had ever acquired was more bright and creditable to them than that which resulted from the resistance with which they met papal encroachments, especially in the reign of Henry 8th. That resistance was most successful. All this tended, although the hon. baronet might not think so, to establish a proposition which was the fundamental characteristic of the British constitution; namely, that the power of the pope, whether spiritual or temporal, should not have the slightest interference with the political government of the country. The spirit of this proposition was embodied at the glorious Revolution, when the security of the Protestant establishment was considered as one of the greatest bulwarks of their liberties, and the firmest barrier against the encroachments of the Church of Rome. Need he refer to the Speeches of the king who then filled the Throne; need he refer to the speeches of the leading members of both Houses of Parliament, to prove that the main object then was the establishment and security of the Protestant Church? He thought the House ought to be very slow to admit such arguments as had been urged by the supporters of the Catholic claims.—As to the Coronation Oath, which had been treated as a matter of ridicule, though he did not rely upon it as furnishing any argument against the legislature deliberating on the subject, yet, as long as that oath was thought necessary, and an act of parliament existed which prohibited the king from being a papist, or from marrying a papist, he did think it a strong argument against the legislature granting the claims of the Catholics. That great principle, which excluded the Catholics from the legislative body, was sought to be subverted by the present measure; and on what ground? On the ground of expediency; and that the measure proposed was in perfect consistency with Protestant security. For the first, he confessed he felt great reluctance in sacrificing a constitutional principle to the doctrine of expediency; which must generally depend, in a great measure upon opinion. The House was told that the passing of the measure was necessary to secure the tranquillity of Ireland. Now, he did not believe that it was either necessary to the tranquillity of that country, or even calculated to produce it. In his view, the disturbances which prevailed in Ireland were in no way connected with the question of emancipation; and to treat them as being so connected was to do injustice to the whole body of the people. The Protestants certainly required no such measure to induce them to use their best efforts to preserve tranquillity; and as for the Catholics, their greatest boast was, the exertions which they were making, and had been making for a long series of years, to obtain it. But the merest observation was an answer to the argument which would connect the question of Catholic concession with the disturbances that agitated Ireland. Among what class of the community was the spirit of turbulence found to prevail? Was it not among the peasantry; and would emancipation, if it were carried to-morrow, remove any one of the causes by which that spirit was excited? He knew the peasantry of Ireland well; he knew them in all their various relations. A braver, more hospitable, or more generous, race of people, did not exist; nor a race better disposed to do well, if they were well treated—if they received employment, and could obtain a competent reward for it. But, would the passing of Catholic emancipation give them these advantages, or could it be believed that they imagined it would? A ferment existed in Ireland upon this question; but it was a ferment engendered by the Catholic Association, and spread through the country by the inflammatory documents which that body was in the habit of circulating. This was an evil of the extent of which he was not ignorant. He had warned the House of the danger of permitting the Association to proceed in the system of excitation and organization which they were pursuing; but it was not an evil which should be mistaken for any genuine development of feeling, upon the subject of the Catholic question among the peasantry of Ireland. One word more as to the conduct and evident objects of that Association. It was said that it was the Catholic grievances which had called that Association into being, and that the removal of those grievances would put an end to it. He did not believe one word of this. If he thought the Catholic claims could be granted with safety to the constitution of the country and to the Established Church, no man would be more ready to grant them than himself; and he believed he spoke the sentiments of every Protestant in Ireland: but if the mere removal of the Catholic disabilities was the object of this self-elected junta, why did they embrace, in the wide range of their discussions, almost every measure, not only of Irish but of English policy? He did not believe the views of the Catholic Association were bounded by the carrying this question. He thought they were attempting to raise themselves into a species of independent ministry, to challenge and overawe the conduct of the legislature; and in the establishing themselves in that position, they had succeeded to a considerable extent. He thought that it was by distinct and specific measures only, not by concessions to the Catholics, that that Association would ever be put down. But be this as it might, he would again ask how was it possible that such concessions could remove distress and discontent from the mass of the Irish people? Would the carrying of emancipation increase the rental of the landed interest? Would it improve the condition of the unemployed poor? Would it bring the waste lands of the country into cultivation? Would it tempt speculation to explore her mines and open her collieries? Would it transplant manufactures from England to Ireland? Or would it raise a market for the sale of Irish manufactures? [cheers and laughter]. He understood the cheers of the hon. gentlemen; but they did not form an answer to his arguments. These were the advantages the people of Ireland wanted — the advantages which would satisfy and tranquillize them — not the measure of Catholic emancipation. It was not because Ireland was in a disturbed state, but because they saw no advantages in employing labour in that country over that of using it at home, that English speculators forbore to carry their capital thither. When he saw the enterprises in which the capitalists of England were always ready to engage, he did not believe, that if probable profit could be shown to them in Ireland, the condition of the country would deter them from endeavouring to secure it The House would remark, too, that in those years in which an ample market had existed for the general manufactures of Great Britain—in the year 1824, for instance—the troubles which distressed Ireland had not impeded the progress with English capital, of the linen-manufacture. — Upon the ground of expediency, he trusted he had shewn that there could be nothing gained by granting the measure. He would now say a few words as to the dangers likely to be consequent upon the passing of it. It was in the highest degree dangerous, as it appeared to him, to do any thing which could increase the power or influence of the Catholic church. He did not mean to enter into any discussion of the peculiar tenets of the Catholic faith; nor did he believe that, in the present altered state of society, any thing could ever bring us back to the system which, in the middle ages, had characterized the Church of Rome; but he believed that the spirit and doctrines of that Church had a tendency to inflict evils and privations upon any community. The oppressive and intolerant spirit which in former times had distinguished the Romish Church still continued an integral part of its character. If it was said, that a change had taken place; he desired to know what proof existed of that change, and by what acts it had been manifested. Was it in the re-establishment of the Inquisition, that the evidence of this disposition to tolerance was to be sought? In the rescripts transmitted by the pope to the French government? In the declaration of the Belgian bishops in the year 1823? In the intolerant decrees of the Spanish Cortes; or the still more intolerant regulations of the republican governments in South America?—all forbidding and resisting, by every course of power, the circulation of the Holy Scriptures within the limits of their rule or influence? In every one of these acts, in all the conduct of the Church of Rome, there worked a spirit foreign to the spirit of the British constitution; the first principle of which was the free allowance of thought and opinion to every being who lived under it, with the power of circulating that thought or opinion among his fellows. It was a mere quibble to assert, that, even supposing these to be the principles of the Catholic Church, the concessions now asked were not for the benefit of the Church, but of the laity. It was impossible to separate the conduct of the clergy from that of the laity, or to believe, either upon principle or from the result of experience, that the latter could cease to be governed by their spiritual guides and advisers. In all the momentous epochs of the history of that country, the Catholic clergy were found practically exerting that influence over the Catholic laity which, by the tenets of that mutual faith, it would be evident they might be presumed to do. In the reign of Elizabeth, in the reigns of James 1st, and of Charles 1st, examples of this control were perpetually occurring. In recent times every proposition tending to accommodation or the acceptance of security, had uniformly been resisted by the exercise of the same power, and it was impossible to doubt, from every appearance that even at this hour, while the House was deliberating, the conduct of the Catholic Association was connected with, if not swayed by, the voice and opinions of the Catholic priesthood. When he saw the Catholic clergy of Ireland actually joined with the laity in expressing the most decided hostility, not merely to the Protestant Church, but to every thing connected with Protestant institutions and Protestant feelings, it was impossible for him not to believe, that the granting political power to one of their orders would not be to increase the strength and consequent danger of the other. The more he thought upon the subject, the more he was convinced that these concessions had no single tenable argument in their favour; that they were no more called for by expediency than they were consistent with the security of the State. In answer to an eloquent observation of the hon. baronet who had spoke first in the debate, he fully believed the highest gratification to the noble personage to whom that hon. baronet had alluded, would be to take any course which could contribute to the happiness and tranquillity of Ireland. But the noble duke, he was confident, would never consent to attempt, even that desirable object, by an experiment which would amount to a surrender of the citadel of the British constitution.

Mr. *Doherty* said, he trusted the House would excuse in him the natural anxiety which he felt to state his sentiments on the present occasion, and the more especially, as he never before had addressed the House on this question. The anxiety he felt to be permitted to say a few words, did not arise from any expectation on his part, that he could add any thing to what had been already urged upon that important subject; that he could by any new fact, or any new argument, give the slightest additional weight to those of the speakers who, on that and on other occasions, had addressed the House. For many years he had been an attentive observer of all that had been passing in Ireland, and he trusted he had observed what had been passing on that distressful scene, with a temper which entitled him to be called impartial. He had mingled with the ardent and the violent of both parties, he hoped without having imbibed the prejudices of either, he threfore trusted that the House would bear with him, while he shortly stated the conclusion at which his mind had arrived after long and attentive observation. He did not presume to state that conclusion from any arrogant idea that it possessed any value as coming from him; he merely offered it as the unbiassed and honest conviction of a man who had ever kept himself aloof from public proceedings in Ireland, and who on that, as well as on other grounds, might be allowed to call himself a dispassionate observer. True, he had not always succeeded in keeping himself unconnected with the politics of Ireland; but when forced into them, his object had uniformly been to allay, and not to excite the existing ferment. Thus, then, he thought he might be considered as at least possessing some claim to credit, on the ground of impartiality. Now, he felt that he should not be dealing fairly or honestly by the House, if he did not at once avow his full persuasion, that the time had arrived at which the question ought to be set at rest. He had heard the wish to see it set at rest expressed in almost every quarter; but of this he was assured, that it could only be set at rest in one way. It was now three and twenty years since he had first heard the subject debated in parliament; and in that first debate, as on the present evening, an hon. member who opposed the Catholics had expressed his wish that the question should be negatived by a large majority, so as to put an end to it "for ever." He well remembered the emphatic comment of the distinguished statesman who on that day supported the claims of the Catholics upon that expression—"Man, and for ever!"—and the eloquence with which the same highly-gifted orator had gone on to point out the reasons why it was impossible that such a question could by a negative be settled for ever. Twenty-three years had shown the truth of that prophecy. The majority which followed it had been sufficiently decided; it had been 212; and what had even that majority done towards crushing the question? For three and twenty years it had been brought forward, year after year, and all the exertion that could be commanded had been unavailing to put an end to it. Then, was it not high time—surely one policy had been tried long enough in vain—to change our course, and try whether some other treat ment might not put an end to it; for there was no person conversant with the present state of Ireland who would not acknowledge the necessity of dealing with it some how or other? The time, in short, was come when every statesman of any boldness would speak out, and own, that to take some definite and conclusive measure without delay was indispensable. Now, he saw but three courses by which the question could be dealt with. The first was to leave it as it stood; the second was to concede to the Catholics what they asked; and the third was to adopt a system which should enforce silence by means of stern and unrelenting coercion. To leave things as they stood, he appealed to every Irish member in the House, he was indifferent whether for or against the question, whether violent or moderate, whether any conclusion would not be preferable to this? He had heard with a full feeling of their force the lines quoted by the hon. baronet who introduced the subject, as to the condition of Ireland, and he could bear witness, in the words immediately following that quotation, that the "relation was too nice and yet too true." But, if there was a member in the House ignorant of the state of Ireland, or, being acquainted with it, who thought it advisable to perpetuate the present state of things, on the question of the Catholic claims, he could assure him that to do so was impossible. Things could not remain in the state in which they now were. They could not rest, and they had not been resting for a single year, in the same state. From year to year they had been growing worse, and they would continue to do so.—He wished the House not to understand him as using the language of menace. He appealed, not to the fears, but to the justice, the humanity, the wisdom, of the House. He called upon them, but not in a tone of threat, to rescue Ireland from the tremendous effects of a continuance in the present system. He called upon hon. members to lay a-side—he would not say their prejudices, but their preconceived opinions, and to see what had been the result of the policy hitherto pursued. He did not wish to square his judgment by any speculative notions. He wished to investigate the subject with a reference only to its existing merits; and as if it were for the first time considered. Thus regarding the question, he had no hesitation in saying, that it was impossible that things could remain in Ireland as they were. What, then, was the remedy? He had heard intimations, not exactly embodied in words, but which sufficiently indicated the opinions of those from whom they proceeded, that there were means of terminating the present condition of Ireland by the hand of power. He did trust, however, that in this age of improved knowledge, it would be felt that force was not the way to tranquillize Ireland. What, then, remained? To grant her just demands. What objections existed to this latter course? If he had collected accurately what had fallen from the hon. member for Dublin, his principal objection was, that it would be a violation of the constitution. If it were really the fact, that to grant the Catholics seats in that House would be to violate the constitution, dear as conciliation was to him, he for one would not acquiesce in it. But he entertained no such opinion. Individuals of much higher authority entertained no such opinion. It was evident, from what had, on a former occasion, fallen from the Secretary of State for the Home Department on the subject, that that right hon. gentleman entertained no such opinion. He well recollected that right hon. gentleman's having said, that if he could persuade himself that to concede the Catholic question would lead to the restoration of tranquillity and harmony in Ireland, he would not resist the concession on any mere theory of the constitution. That was an admission on the part of the right hon. gentleman that the concession would not be a fundamental violation of the constitution; because, if it were so, he was persuaded the right hon. gentleman would not consider any boon, however great, a sufficient compensation for such a sacrifice.—Then came the question, whether the concession of the Catholic claims would really secure the tranquillity of Ireland. He did not say that it would do so entirely and immediately. If he were to make such an assertion, he should be as much mistaken as he was persuaded those were who declared that no advantage would result from it. This, however, he would say, that all the means of tranquillizing that country which had been recommended by the hon. member for Dublin, would be so many wasted efforts without Catholic emancipation. Why should we persevere in a course which had so utterly failed? The hon. member for Dublin had talked as if Ireland was in possession of a large British capital, and as if manufactures were flourishing in that country. It was no such thing. It was impossible that such should be the case, until tranquillity was restored. Let that great object be effected, and British capital would soon find its way into Ireland. It had found its way every-where else. What was it that now prevented it from finding its way into Ireland? No natural or physical impediment, but simply the distracted state of the country, which rendered all property insecure. What danger could by possibility be incurred by allowing Catholics to sit in that House? From the moment at which the elective franchise was given to the Catholics, they possessed virtually seats in it. The Catholics were in that House in the most noxious shapes—those of passive and unreasoning instruments. Give them this measure, and they would then have active, vigilant representatives. He had witnessed what passed at the last general election, and so long as the present system was perpetuated, worse scenes would occur. He would appeal to the members around him, and who knew the facts to which he referred. The people would rush blindly forward, in search of persons to represent them, without reference to their talents and qualifications, merely because they consented to become their instruments; and it was to be feared that this would be the cause of displacing some valuable members, for no other blemish, in the eyes of the Catholics, than their giving their votes against them from sincere conviction. Such were the sentiments which he entertained upon this most important subject; and he hoped that he had stated them with moderation. He implored those who might follow him in the debate, to imitate the example which had been set in that respect by the hon. baronet. Under any circumstances moderation was desirable. If the House refused to do what he conscientiously believed it to be their duty to do, at least let them not inspire despair by the mode of their refusal.

Lord *F. L. Gower* said, that his only apology for obtruding himself on the House was one which he shared in common with his hon. and learned friend who had last spoken, as, since the subject had been under discussion, he had never offered his sentiments on the general question, although he had frequently done so on incidental matters connected with it. He might also apologise to the members of the sister country for taking up a subject belonging to them, if it were one of a partial nature; but he looked upon it, and always had done so, as one of mighty moment, the decision upon which must affect the interests of the empire from the centre to the circumference; and although the hon. member for Dublin had endeavoured, by a curious mode of reasoning, to prove that it was one which ought not to be considered in the light of expediency, it was principally with regard to its expediency that he would confine his observations. Before, however, he said any thing of his own, he would beg to refer to the words of one of the greatest advocates of the Catholics who ever lived—of one highly admired for his extraordinary talents, and whose loss was universally lamented—he meant the late Mr. Canning. On the memorable occasion of the debate of 1812, after stating that the prima-facie case was, that all the members of a community should enjoy equal rights, Mr. Canning proceeded to say, "that it was essential to the promotion of the best interests of a community, that there should be an identity of interests among all the members of that community. Entirely assenting, as he did, to the truth of these arguments, he nevertheless doubted the universality of their application; for if there was any one thing which more affected the interests of a community than any other, it was the difference between a good and a bad government;—the difference between an arbitrary state and our own. The tendency of the one was to rule by a division of interests, that of the other to rule by a concentration of them. As Austria had been spoken of, he would give it as an instance; and one which had many of the faults which we despised. There the bond of connection was different, and as one well acquainted with that government had said, the Hungarian despised the inhabitant of Vienna; the Galician both; and the Tyrolese had views different from either; yet that was the way in which all the dominions of that monarchy were bound together: for the connection was kept up by the Hungarian being quartered at Milan, while the Italian regiments were dispersed over the fertile plains of Hungary. Far was it from him to wish to see such a system introduced into this country; for it was a fact that in this, where all possessed equal rights, that equality of rights produced an equal interest for the safeguard and glory of the country, and enabled it to direct its undivided energies, wherever there was a necessity for their exercise. If, however, there was any principle which could, more than another, divide those energies, and encourage dissentions, it was that of exercising the power of imposing religious tests, as a qualification for the possession of political power. It was very easy for persons to lay the flattering unction to their souls, and say that one class of a divided community could make excellent laws for the other, and that both were flourishing under them; but that assumption was, in point of fact, false. Besides, the next question was—where were you to get a receipt for making the Catholics believe it was true. He had often heard that the evils of Ireland were theoretical. He himself thought that they were not entirely derivable from Catholic disabilities, and examples might be drawn from our triumphs in war, and our prosperity otherwise, to support this argument; but he would in answer say, that it was no doubt true that the Treasury had been filled from the coffers of Catholics, and that the blood of Catholics had watered the fields of Europe, in achieving our triumphs, as freely as the blood from Protestant or Unitarian veins.—There was another subject to which he would refer, and on which much misrepresentation prevailed. When rebellion raised its unabashed front in Ireland, it proceeded not from the Catholics, but from the Presbyterians of Ulster; and it was the Protestant Wolf Tone, who, in answer to the desire of the French minister, that the body of the people and those who influenced them should be engaged said, that he did not wish the Catholic priesthood to be at all sought after, seeing that they were the natural enemies of the French revolution. Were they, after all these considerations, to dismiss from their bar petitioners who applied to them for that to which they were so justly entitled? Was any honourable member prepared to say to those petitioners, "I know your claims upon us; but, inasmuch as you have lavished your blood and treasure in our cause—inasmuch as, under circumstances of great temptation, you have adhered faithfully and loyally to the State, so help me God I will not admit you to a participation in the privileges of the constitution." Even if any danger was to be apprehended from putting an end to the present state of feeling in Ireland (which he denied), a much greater danger was to be apprehended from its continuance. Every consideration, therefore, of safety, as well as of expediency, demanded that that state of feeling should be changed. He hoped he was not weak or foolish enough to treat with contempt the arguments of many persons who were hostile to the Catholic claims; but he could not yield his reason up to theirs; he could not shrink from the duty of deliberately weighing all the circumstances of the case; he could not forego the privilege of forming and of expressing his own opinion upon them. An hon. gentleman had talked of the consequences that would result from any further concession to the Catholics, as if such a step would renew all the scenes of the times of Charles 1st. He, however, could never understand the process by which these things could be brought about by the admission of a few Catholic gentlemen into parliament; and he would merely repeat the opinion expressed by an eloquent member of that House, now transferred to the House of Peers—he meant lord Plunkett—that if the hundred members for Ireland were all imbued with the very worst principles of the Jesuits, he had no fear that the talent, the sense, and the wisdom of this country would be overborne by them. If they proved to be the enemies of the Church, let them be put front to front, with her defenders, and he would have no fear as to the result. With respect to the demand for securities, hon. gentlemen really talked as if the Pretender were on the shores of France ready to invade this country. They talked as if that little machine, the printing-press, with its gigantic powers, was not the best security against the revival and general prevalence of bigotry and superstition. In his estimation, all parchments, all oaths, all declarations, considered as securities in such a case, shrunk to nothing, as compared with that potent machine. His opinion of the Catholic religion was such, that he did not believe in his conscience, that its absurd tenets, the tenets from which so much danger was apprehended by some, could stand the test of argument and free discussion. To printing we were indebted for the hope of such a benefit; and all the efforts of the Russels and the Somerses, in the cause of human improvement, faded before those of Caxton, and Wynkyn de Worde. Let the House contemplate the struggle which had, for some time, been going on in France between the friends of education and intelligence and the supporters of Jesuitism. The latter, under a government not unfavourable to it, was made by a press, even not altogether free, to reel to its very base. He did not know how long the monster of bigotry would disturb the world with its expiring troubles; but he knew that the arrow was in its vitals; he knew that the genius of education and liberty now stood erect, like the divine statue of ancient Greece, and having drawn his shaft to the head, was watching in its flight, and surveying with scorn and defiance the death-struggles of his victim. If he were, which he was not, disinclined to adopt the hon. baronet's proposition, there was one consideration which would make him reluctant to oppose it. That consideration was, the impossibility of preventing emancipation. The right hon. Secretary of State for the Home Department might ask him on what grounds he made that assertion? He begged to answer, that on that point he might, perhaps, have better means of judging than the right hon. gentleman. Youth had, in some respects, an advantage over experience. If the right hon. gentleman knew better than he did, the opinion of the individuals who then governed the state, probably he knew better than the right hon. gentleman did, the opinions of those who would probably one day govern the state. The annual discussion of the subject had a great effect in influencing opinion. Of that the House had had a striking instance, during the discussion of that evening. The effect of investigation was, to separate the opinions of a son from those of a father; to destroy prejudices in mature life, which had been imbibed with the milk of infancy. On these grounds it was that he asserted, that to prevent the emancipation of the Catholics was impossible. The only question, therefore, was the expediency or inexpediency of delaying it. For himself, his firm conviction was, that every hour of postponement would only add to our difficulties. The power possessed by the Catholic priesthood had been much insisted on. History instructed us, that religious power always flourished under persecution. Effectually to repress any religion, the only choice was between complete extirpation and mild toleration. The former had been the effort of our ancestors; but he wished humbly to employ himself in repairing the ravages which they had committed, rather than to sit down to enjoy the inheritance, rich as it might be, of their successful guilt. He would detain the House no longer. He had partially explained some of the reasons which had brought him to the conclusion to which he had arrived. Those reasons had been often much better stated by men much abler than himself. His voice on this occasion was but the feeble echo of the voice of Pitt, of Fox, of Grattan, and of that great advocate for Catholic Emancipation, who yielded to none in zeal in the cause, Canning. But it was also the echo of sounds much deeper, of sounds much more important, than the voice of any individual. It was the echo of the voice of a whole nation, which arose like the murmur of a deep sea, and, like that sea, must in its force be irresistible. What talent was there so great that it could meet the consequences? What policy so sound that it could bear the responsibility, of not listening to that voice, or of attempting to withstand the encroachments of that sea by barriers, which common sense, reason, and justice, alike rejected. Much was said of the violence and bitterness of language in which the Catholics expressed their complaints. He confessed he did not see this in the same light: he did not think that the language was stronger than the feelings by which it had been excited justified. But even if it were so, what right had the persons who had provoked that angry language to complain that it sounded harshly upon their ears, or that the murmurs of that sea which they had so agitated should be deep and discordant as it rolled back, baffled and defeated, from the shore?

The debate was then, on the motion of sir Robert Inglis, adjourned till to-morrow.

HOUSE OF COMMONS.

Friday, May 9.

Roman Catholic Claims.] The order of the day being read, for resuming the adjourned debate on sir Francis Burdett's motion,

"That this House do resolve itself into a committee, to consider the state of the Laws affecting his Majesty's Roman Catholic Subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his majesty's subjects,"

Sir *R. H. Inglis* rose, and addressed the House as follows*:—

Mr. Speaker: when, at one o'clock this morning, I proposed that the further discussion of this question should be postponed to the present time, I should, if I had consulted my own inclination only, have greatly preferred to solicit the attention of the House to the observations which at the time I was desirous of addressing to you. But, though I have always experienced the indulgence of the House, I felt, that, at such an hour, and after such a debate, I could not hope to receive, and certainly had no right to ask, their patience.

I did indeed desire, Sir, if I could have caught your notice, to rise immediately in answer to the hon. baronet, the member for Westminster: not from any presumptuous confidence in myself, but from a perfect conviction of the strength and justice of the cause which I support, a strength and justice which would sustain the weakest advocate.

It is no disparagement to that hon. baronet to say, that on such a subject, even his ingenuity and talent could produce little new in fact or in illustration, nothing new in argument. His statement, indeed, on the present occasion, is founded on the same grounds as those on which he himself, as well as others, in former discussions, have rested the merits and the claims of their clients. After a slight and passing allusion to the natural rights and general demands of the Roman Catholics, the hon. baronet proceeded to argue in favour of the claims, on nearer and surer authorities; namely, on the specific conventions of the Treaty of Limerick, and the pledge assumed to have been given at the time of the Union with Ireland. He added an argument *ad verecundiam* on the different treatment which Roman Catholics receive from all the other Protestant states of Europe.

Sir, before entering into the question of the Treaty of Limerick, or the pledge at the Union, I will stop for one minute to notice the preliminary argument of the hon. baronet, not so much from any intrinsic value in it, not so much from any great value which it seemed to possess even in his own eyes, as from the importance which the Roman Catholic petitioners are fond of attaching to it. That preliminary argument implies, that all men have an equal right to be called, according to their personal merits, to civil office; that no man ought to be in a worse condition than his neighbour, in respect to such eligibility; and that all disabilities, therefore, which fetter it, are an injury to the state, and a tyranny to the people. Sir, what may be the facts in other countries I will not stop to inquire, nor will I here discuss the general reasoning. The principle, as applied to England, I deny on the authority of all the analogies of our constitution. Until there shall be no distinction of civil rights between the copyholder and the freeholder: until there shall be no inequality in political power, as electors, or as candidates, between the freeholder of 39*s.* a-year, and the freeholder of 40*s.*; between the freeholder of 290*l.* per annum and the freeholder of 300*l.*: [I say nothing of the anomailes of Scotland—I say nothing of the *caste* of the clergy, who are proscribed, very properly—but still proscribed—as candidates for the House of Commons]—until there shall be no difference between the legal infancy of twenty years, and the legal manhood of twenty-one (a distinction as artificial as any of the others): until there shall be no inferiority in the alien-born and the native inhabitant of these countries, both paying the same taxes and liable to the same personal burthens: until, in the progress of universal suffrage, there shall be no difference between the political rights of rich and poor, of boyhood and age, of male and female, I shall not cease to maintain that the constitution has never vested in any of the inhabitants of England, as inhabitants, any political power whatever, or even, in the abstract, any eligibility to power: and consequently that no men, and no class of men, are entitled to demand here, as natural rights, any political power over their fellow-men; or indeed, even the capacity of such power in this country. The whole is a question not of right but of expediency; and as such, may be decided, either way, without injustice.*

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* From the original edition, printed for Hatchard and Son, Piccadilly.

* I compare not the degree of privation by

Dismissing with this sentence the argument of the rights of man, on which the hon. baronet, to do him justice, rested little of his case, and which I should scarcely have noticed at all, if it were not urged at great length by the petitioners themselves, in most of their addresses to this House; I proceed to the examination of those positions, on which the hon. baronet has chiefly relied for maintaining his cause; and which, I trust to shew, are equally and absolutely untenable.

His first stand is on the Treaty of Limerick. "I look upon that treaty," says the hon. baronet, "as the charter of those rights and privileges, of which the Roman Catholics have been since unjustly, not to say unlawfully, deprived."—"I again assert," he repeated, "that the whole people of Ireland are, by the Treaty of Limerick, entitled to the fullest participation in all the rights and privileges, civil and political, of the British constitution." Sir, I have paid to the construction of this treaty a most unprejudiced, though most anxious, attention. It deserves such attention from the House, not merely from the immense importance attached to it by the hon. baronet on this occasion, as indeed on two other occasions at least, when in this House he has urged it as a main foundation of the claims of the Roman Catholics, but from its having furnished, in later years, the most frequent and the most popular arguments to the Roman Catholics in their own association, and, above all, in their petitions to the House; the petitions of thousands, or, if you please, millions of our fellow-subjects. Still more it is entitled to attention, because, whether urged by few or by many, it involves the dearest of all national interests, the public faith.

Sir, I do not forget the immortal words of Roscoe on another occasion. "No advantage can justify the sacrifice of a principle; nor was a crime ever necessary in the conduct of human affairs." I am sure, that if it be true in our local law, that "nullum tempus occurrit regi;" it is equally and immutably true in respect to general law, that "nullum tempus occurrit fidei publicæ." I will not here inquire, with my honourable and learned friend, the Solicitor-general, referring to the wars between the two Roses, how far by an entire change of circumstances, any treaty, or any law, may become obsolete. I hold the principle, that where the parties are in existence, capable of giving and receiving the objects intended, the public faith cannot die: "time alone destroyeth not an act of parliament," says a great legal authority; and it is for those who resist a claim founded on the national faith, to shew that the circumstances of the parties have honestly so changed, as to render it impossible to act upon it. I have made these observations to satisfy the hon. baronet, that I resist not the principle which he assumes: on the contrary, I admit it strongly; while, at the same time, I deny as strongly the application of it to the facts of the present case. I will never allow an argument from expediency to overturn a claim of right; and if the Roman Catholics could fairly derive their present demands from the terms of the Treaty of Limerick, I would concede them, without reference to the consequences to any establishment, and to any other interests.

The hon. baronet, on a former occasion, answered an argument, of which, I am happy to say, I never, except in that answer, heard*; namely, that the Irish in Limerick were rebels, and therefore had no claims under the treaty. The hon. baronet's own answer was most satisfactory: if the Irish were rebels, it was a very good reason for not making a treaty with them; but no reason for breaking it, after you had made it.

The position, then, Sir, which I am

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which the duke of Norfolk, the premier duke and earl of England, is withheld from his seat in parliament, with the privation by which a freeholder of 39*s.* a year is withheld from voting at a county election: but I contend that the principle, however different the degree, is the same. The State has arbitrarily and artificially allotted its powers to age, to sex, to class, to fortune, and to opinions: and the question is in every case one of mere expediency, whether more or less public safety, or public danger, will be ensured by retaining, or removing, any one of those distinctions.

* I had forgotten the Sermon of Antony Dopping, bishop of Meath, who is said to have disgraced the pulpit by preaching this doctrine; and to have been himself struck out of the council for it, by king William. [Harris's Wars, p. 214]. I had also forgotten, that "to obviate this doctrine, the bishop of Kildare mounted the pulpit the following Sunday, and shewed the obligation of keeping the public faith." See a good deal more in Plowden's Ireland, ii, 9, 10.

prepared to sustain, and which has been defended on a former occasion by my right hon. friend, the Secretary of State for the Home Department, is this, that no advantage now withheld from the Roman Catholics, can be claimed under the terms of the Treaty of Limerick. Whatever rights secured by that treaty, may, subsequently to its date, have been withdrawn, they have all in succession been long since restored; and nothing now remains to be claimed, which that treaty professed to guarantee. I may here incidentally remark, in reference to the prominent place which this treaty now occupies in the front of the Roman Catholics, that it was never, I think, brought forward at all, till the year 1793, in any petition seeking the present objects: it was not so brought forward by sir Theobald Butler, if I rightly recollect his argument. I know, indeed, that it was quoted in an address to lord Halifax, I think in 1761. It was quoted also by lord Taaffe, in 1766, but there, apparently, without the least allusion to the construction now put upon it; and, in short, though quoted, I believe, on another and much earlier occasion, I think in 1723*; it was never used as an argument of right in respect to the matters now at issue, till more than one hundred years after the date of it. I cannot, however, omit noticing here, that though desuetude does not in itself abrogate the sanctions of any public treaty, the hundred years' silence of the Irish Roman Catholics, as to the support which the Treaty of Limerick gives to their present demands, is a strong presumption that the parties most interested in those demands did not at that time regard that treaty as securing them.

I am unable to say how any treaty can be better explained than by the parties at the time: the interpretation to be given by third persons, at any time, least of all by third persons in another age, and in another country, can never be binding, while there is any mode whatever of determining the intentions of the contracting parties on the spot, and at the time in question. Burnet, therefore, whose words the hon. baronet quotes, "they were also admitted to all the privileges of subjects, upon their taking the Oaths of Allegiance to their majesties, without being bound to take the Oath of Supremacy," cannot be considered as an authority whose evidence ought to have much weight as to the construction of this treaty, since his history was not written till, I think, thirty years after the transactions in question; and, certainly, was not published till forty-three years after them, *i. e.* till 1734. I should say this, even if he had recited all the articles, and had reasoned upon them one by one: but when I find him condensing the substance into seven lines, I cannot but see, that though in life he was contemporary with the transaction, yet as an author, he wrote from memory of a distant event, in which he had no personal interest to secure the accuracy of his recollections.

Before I enter into detail upon the treaty itself, the hon. baronet, the member for Westminster, will not deny, in respect to the campaign which preceded it, that the army of king James was, in the summer of 1691, in no very favourable position. The language of king James himself, writing, of course, from the reports made to him by his generals, presents a deplorable picture of the condition of his people.* I am, however, as little entitled, or inclined, to deny, that, on the other hand, the army of king William was much required abroad; and that the close of the war in Ireland was, on every account, peculiarly desirable to the English cabinet: but, as it is sometimes said that the Irish were in the highest condition, and that the English were desperate, I beg to recall to the recollection of the House one fact, as preliminary to my general statement, viz. that Tyrconnel, the lord lieutenant of James, whose almost only merit was, that his devotion to that master was never suspected, is represented to have recommended to his countrymen to make the best terms they could, when, on the 14th of August, of the same year, he was dying in the very city of Limerick.†

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* See also Wogan's letter to Swift. Plowden, ii. 14.

* See his Memoirs, Life of James 2nd. vol. ii.

† The last words of Tyrconnel were, "not to let things go to extremities, but to accept of such terms as could be got;" "and his words," says Burnet, "seemed to weigh more after his death than in his life-time, for the Irish began generally to say, that they must take care of themselves, and not be made sacrifices to serve the ends of the French." [Burnet, ii. p. 80.] This is further evident from king James's own Memoirs. On the surrender of Galway in the preceding month, 20th July, 1691, Tyrconnel, after making all preparations for the defence

I now proceed to the more close analysis of the treaty. Now, how can this treaty be explained, how can the intentions of the contracting parties be discovered, except by such considerations as these? What was the general proclamation addressed by the lords justices, as a rule to themselves, to the army, to the enemy, and to the people, in respect to the pacification of Ireland, when the last campaign was opening? What were the terms granted to other cities in the progress of that campaign? what the terms refused to this? What the grammatical meaning of the terms actually granted? What the meaning, compared with the state of things in Charles the 2nd's reign, to which by those terms reference is specifically made? What the understanding at the time of the parliament of England, and of the parliament of Ireland, on the one hand? What the understanding of king James himself?

In the summer of 1691, the English army in Ireland swept the kingdom, and approached Limerick. As they advanced, they took every fortress, and every city which resisted; so that, at last, Limerick alone remained in the cause of James 2nd. Now, in endeavouring to explain the sense in which the disputed articles of the Treaty of Limerick are to be understood, I ask, in the first place, what were the general terms intended to be granted by the government in Ireland to those who in the progress of the war might voluntarily submit? Those terms are to be found in the Declaration of the lords justices, dated 7th July, 1691: quoted on a former occasion by the hon. member for the city of Dublin (Mr. G. Moore); and that Declaration is, within two years after its date recited at full length by Story, himself a party in the war, as "being that, upon which the Articles of Galway and Limerick, and all the Irish capitulations were afterwards founded."* After promising to restore the forfeited estates to those who shall come in peaceably, they state, "and lest those who are to take benefit by this proclamation may be apprehensive of being prosecuted for exercising their religion, though their Majesties have sufficiently manifested to the world by the rest and quiet not only Roman Catholics of this kingdom, but those of England have enjoyed under their government, may be sufficient to remove any such apprehensions, we are commanded further to publish and declare, and we do hereby publish and declare, that, as soon as their Majesties' affairs will permit them to summon a parliament in this kingdom, they will endeavour to procure them such further security in these particulars as may preserve them from any disturbance on account of their religion." This, then, was the general boon held out to the Roman Catholics as the inducement to them to submit to William and Mary: that is to say, their majesties would not invoke the penal laws against them; would, so far as they had the means, give to them rest and quiet in the exercise of their religion: and (as neither a dispensing nor a legislating power existed in the Crown singly) would endeavour to procure from the supreme authority of parliament such further security in these particulars as might preserve the Roman Catholics from any disturbance on account of their religion. Slight as, according to this construction, the advantage appears to us, its value must be measured by a comparison not with our own situation to-day, but with that of the Roman Catholics of Ireland, at that time, generally, before this Declaration, and with that of those Roman Catholics in particular who did not submit to it, and who were accordingly left to make, as they could, their own terms afterwards.

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of Limerick, "dispatched an express to St. Germain's, to beg either a speedy succour, or leave to make conditions for themselves."—[King James's Memoirs, ii. 459]. He goes on, "but the enemie pressed too hard to give any great hopes they (the Irish) could wait the relief which was to come from a country so remote: they made my lord Tyrconnel aprehend the army would capitulate in spite of his teeth; and many persons of distinction were so much inclined that way, as had like to have brought it about even before the enemie apeared in sight of the town."—ii. 460. Again, in p, 462. The Irish officers were so impatient to make terms with the English army before Limerick, (1691), that Tyrconnel had great difficulty in managing them: "but he pressed them only to have patience twenty days, there being no likelyhood of their being forced so soon, and that in so much time an answer might be had from the king:"—but, whilst he was thus struggling, he was seized with apoplexy, on St. Lawrence's day, and died two or three days after, 14th August, 1691.—See Story's Wars in Ireland, ii. p. 187.

* Story's Wars in Ireland, 4to. 1693, vol. i. p. 117—120.

Let us see, then, what was the condition of those who declined to accept these terms, and continued accordingly to resist the government.

No man continuing to resist the government had under this proclamation any right to any terms whatever. It will be remembered, that, in the preceding year, when the army of William approached Waterford, then perhaps the fourth city in the kingdom, and the garrison demanded as a condition of their surrender the freedom of a private exercise of their religion, that article was distinctly refused.* The same took place in the Fort of Duncannon, and both surrendered without any security whatever even for this humble privilege; a sufficient proof, first, of the value which both parties attached to what we should now call so moderate a claim; and, secondly, of the strength of the English party, and of the weakness of those who had resisted them. And yet we are told by the Orators of the Roman Catholic Association, that the "privileges in the exercise of their religion," granted soon after to Limerick, and, through Limerick to all the Roman Catholics of the kingdom, meant something far more than merely the rights of worship; that it would have been an insult to them to proclaim as an indulgence that they might without molestation say their prayers in their own mass houses†—a right which could not have been denied to any one—(they forget how it was denied to Waterford); and that the privileges in the exercise of their religion which were secured by the treaty, meant, rather and inclusively, all privileges in the exercise of civil and military functions!

The army approached Galway, then the second city in the kingdom. As it threatened a long defence, the besiegers consented to grant terms* superior to those which had been obtained by Waterford. Similar terms were granted to the fort of Buffin's Island in the mouth of the Shannon.† By the Articles of Galway, the private exercise of their religion was secured to the Roman Catholics in the garrison and in the city: the Roman Catholic lawyers were admitted to such liberty of practice as they had in Charles the 2nd's time, and the estated gentlemen (a phrase explained in a proclamation of the lords justices a few months afterwards‡ to mean gentlemen of 100*l.* per annum) were permitted to carry a gun and a brace of pistols.

The north and east of Ireland had now submitted to the English; Sligo, at least, alone in the north-west held out; and Sligo, I think, was taken while the army was before Limerick. The authority of James had a partial and divided influence in the six counties, Limerick, Cork, Kerry, Clare, Sligo, and Mayo; but the real and almost the entire strength of his cause was centered in the city of Limerick itself. I am willing to admit that De Ginckel was empowered to bring the war to a conclusion on almost any terms; but it will be conceded, on the other hand, to me, that king James describes his own garrison to have been at least equally anxious to capitulate.

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* Story's account is in vol. i. p. 109. Leland's account is as follows: "William was now doubly solicitous to gain a secure station for his transports, and, for this purpose, to reduce Waterford and Duncannon. He hastened his march; Wexford had already declared for him, and now received his garrison; Clonmel was abandoned by the Irish; Waterford was summoned; the garrison, after some hesitation, demanded the enjoyment of their estates, the freedom of their religion, and liberty to march out with arms and baggage. This last article only was admitted. They accepted it, and surrendered. The fort of Duncannon threatened a more obstinate resistance; the governor demanded time to consult Tyrconnel; and, when refused, boldly declared that he would take it; but, on the approach of the army, and the appearance of sir Cloudesley Shovel with sixteen frigates, he accepted the same conditions with Waterford."—Leland, vol. iii. p. 575.

† Mr. O'Connell is reported to have said [Speeches, 12mo. Dublin, 1828. p. 53], "Yet Mr. Peel pretends to have discovered that all the immunities guaranteed by the Treaty of Limerick are included in a power merely to pray. What impudent nonsense! How could that be granted or taken away? * * what shameless nonsense!" It is fair to add, in reference to some figures of speech used here, that the editor of the "Speeches" states, that Mr. O'Connell has not revised this Speech, or any in the collection, except that on Church rates already quoted, p. 50.

* Art. X. That the names of the Roman Catholic clergy of the town of Galway be given to the general on or before Tuesday next, and that they, as well as the laity of the town, shall have the private exercise of their religion without being prosecuted on any penal laws for the same, and that the said clergy shall be protected in their persons and goods.—Story, vol. ii. p. 168. See postea, p. 93.

† Story, vol. ii. p. 200.

‡ By the proclamation of the lords justices, dated Jan. 1692, this phrase is explained to mean "housekeepers with estates of freehold of one hundred pounds a year."—Story, vol. ii. p. 298.

The terms eventually granted by De Ginckel will be best understood by the terms refused by him.

The House will observe, that on the 23rd September, 1691, the garrison of Limerick, after an unsuccessful sally, asked for a cessation of hostilities; and on the 27th September sent out their proposals,* which were these:—"1. An act of Indemnity for all offences whatsoever, without reference to their date or quality. 2. Restoration of all Irish Catholics to the estates possessed before the Revolution. 3. A free liberty of worship, and one priest to each parish. 4. Irish Catholics to be capable of bearing employment, military and civil, and to exercise professions, trades and callings of what nature soever. 5. Irish army to be kept on foot by their majesties. 6. The Irish Catholics to be allowed to live in towns corporate and cities, to be members of corporations, to exercise all sorts and manners of trades, and to be equal with their fellow Protestant subjects in all privileges, advantages, and immunities accruing in or by the said corporations. 7. An act of parliament to be passed for ratifying and confirming the said conditions."

Now whatever be the extent and meaning of some of these articles, it is clear that the 6th article, if it were found singly, includes every thing which the present Roman Catholics profess to require. It would have placed the Roman Catholics of the kingdom on the same footing as the Protestants. By this article, they would have been rendered eligible to places in corporations, to the bench, and to seats in parliament: in fact (and I admit it freely, for it strengthens my case), every thing which has been since granted, every thing which is now withheld, would have been secured to them. Such would have been the consequences of De Ginckel's acceptance of this article. Did he accept it? His answer was decisive and instant: "Though he was in a manner a stranger to the laws of England" (I quote his words from Story's Journal)* "yet he understood, that those things they insisted upon, were so far contradictory to them, and dishonourable to himself, that he would not grant any such terms, and so returned them; and ordered a new battery to be immediately raised to the left of Mackay's fort, for mortars and guns. Then the Irish sent again to know what terms his excellency would please to propose to them;" and then he sent in the twelve articles which formed the basis of the Treaty of Limerick.

Can there linger a belief in the mind of any man, that De Ginckel, having indignantly rejected terms, which directly and specifically secured to the Roman Catholics of Ireland all the privileges which their descendants now require, could have intended by the counter terms which he sent in, on the very same day, to grant to them by implication, the very same advantages?

Sir, I feel reluctant to occupy the time of the House on a proposition so obvious; but, recollecting the use which the Roman Catholic petitioners perpetually make of the Treaty of Limerick, as the strongest argument of right which they can urge in support of their present claims—recollecting the triumphant cheers of some honourable members, when, on the motion for the production of this treaty, the terms of it were claimed by the hon. mover and his friends, as conclusive of the whole matter at issue, I do think, that it is important to discuss fully, and I hope finally, the question.

The subject involves a new, though not a higher interest, when the hon. baronet tells us, that it was to the surrender of Limerick that Great Britain owed the Revolution. Of course, he could have meant only the permanence of the Irish settlement, for the Revolution had been for nearly three years consolidated in England before the date of this treaty. The same exaggerated importance is attached to the surrender of Limerick, whenever it is mentioned in the Roman Catholic Association. In one of his late speeches,† Mr. O'Connell appears to have said, that, "Were it not for the Treaty of Limerick, his majesty king George the 4th would not at this day be on the throne of England. Instead of being the sovereign of the first empire in the world, he would be a petty elector in the north of Germany; or, probably, through the bounty of that good-natured man, Napoleon, he might be a king; for we should recollect, that his sister was indebted to the emperor Napoleon for the title of Queen,"* When such claims are founded upon this treaty, when such consequences are drawn from it, it becomes important to shew the fallacy of the one: it is scarcely necessary to expose the absurdity of the other.

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* Story, ii. 230. There are various accounts of the origin of these proposals. Burnet says, "the Irish insisted on very high terms, which was set on by the French, who hoped they would be rejected." ii. 81. Story says, "the Irish were instigated by Mack Guire and the Priests."—ii. 231.

* Story, vol. ii. p. 231.

† Speeches of Daniel O'Connell, esq. and Richard Shiel, esq.—Dublin, 1828. p. 48.

By reciting the terms allowed to Waterford in the preceding year, and to Galway during this same campaign, and the terms refused to Limerick, I have, I trust, prepared the House to follow me in the fair and inevitable construction of the terms actually granted by De Ginckel in this memorable treaty.

The articles, then, on which the principal stress is laid by the advocates of the Roman Catholics, as sustaining their specific rights, are the first, second, and ninth. I will proceed to examine them in detail; but the whole treaty should be examined to see how utterly impossible it is that any one part of it, or the whole together, can bear the weight now attached to it. Is it to be believed, for instance, that any one article of the treaty can have been intended to convey to the Roman Catholics an equality of civil rights with the Protestants, when another article gives to the noblemen and gentlemen comprised therein, "liberty to ride with a sword and case of pistols if they think fit, and keep a gun in their houses for the defence of the same, or for fowling." Can any other inference, on the contrary, be drawn from this very article, than that it was the intention of the victor, (an intention admitted by the vanquished) to disarm all who were not specifically excepted? Can it be contended, that all which is now asked, was guaranteed by any general terms in the treaty, if it were necessary to frame a special provision, as was done in the seventh article, without which no Roman Catholic gentleman, not even the earl of Lucan himself, could legally have kept a fowling-piece in his house?

To proceed:* the first article provides as follows. "The Roman Catholics of this kingdom shall enjoy such privileges in the exercise of their religion, as they did enjoy in the reign of king Charles the 2nd; and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics such further security in that particular as may preserve them from any disturbance upon the account of their said religion."

The hon. baronet, the member for Westminster, last night, distinguished between what he denominated the first and the second clause, or division, of this article; the first clause guaranteeing the privileges of the Roman Catholic religion as they existed in the time of Charles 2nd; the second promising such further security as might preserve the parties accepting these terms, "from any disturbance," in other words, any civil disabilities, "on account of their said religion."

Now admitting, what I will scarcely, even for the sake of argument admit, that there is an ambiguity in the latter member of the sentence, which, taken singly, might be open to the interpretation of the hon. baronet and the petitioners, I contend that, though he may thus collect *totidem literis*, the sentence which he desires to find in the treaty,* the context of the first member of the sentence will disprove his inference, even if I had not already shewn how utterly incredible it is, that De Ginckel would have granted, by implication, in the evening, when he was dictating the terms, what in the morning he had indignantly refused, when the terms were proposed to him, and when this particular provision was asked in direct words. The truth is, that the very words in the second clause, "*in that particular*," obviously connect it with the words of the first clause, viz. "*in the exercise of their religion;*" and both together confine, accordingly, the meaning of the first article of the Treaty of Limerick to the free exercise of the Roman Catholic Religion.

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* In another passage, he says, "all the blessings 'of her glorious Revolution,' as she calls it—England owes to the honour and trust-worthiness of the Irish. I arraign her not only of perfidy, but of ingratitude."—Speeches, p. 52.

* The treaty to which the Roman Catholics appeal, is called "the Civil Articles of Limerick:" but there proceeded, *pari passu*, between the same parties, another convention, called "the Military Articles," referring more immediately to the transport of the army to France. The first article, however, is quite general. It certainly shews no intention, on the part of the contracting parties, that the Irish were to be favoured, or even placed on any equality with the other subjects of the king. Whether this were just or unjust, prudent or imprudent, is not the question: we have now only to decide the fact. "Art. I. That all persons, without any exception, of what quality or condition soever, that are willing to leave the kingdom of Ireland, shall have free liberty to go to any country beyond the seas (England and Scotland excepted), where they think fit, with their families, household stuff, plate, and jewels." Art. II. relates to the officers and soldiers; and also to the Rapparees. [Story, ii. 329; Leland, 627]. It appears, by this article, that the Irish were scarcely considered subjects of the same king; at any rate, not in *pace domini regis*, but rather as outlaws, permitted to transport themselves. It is curious that Charles 1st, "in his humiliation" (says Leland, iii. 75), should have granted this, among other demands of his Irish parliament, viz. "to allow all Irish subjects to repair to any part of his dominions without restraint."

The second article provides more specifically for certain civil rights. But, before I proceed to the examination of it, I will stop to inquire into the limitation of the first article, even as to religion, by the words, "as they did enjoy in the reign of king Charles the 2nd." It was well observed, on a former occasion, by the hon. and learned member for Dublin (Mr. G. Moore) that the construction would have been very different, if the period referred to had been the reign of James 2nd, instead of Charles 2nd. The reign of James was the more obvious point of reference, if the article had intended to grant to the Roman Catholics of Ireland many privileges, even in the exercise of their religion: in that day they were legally equal, and practically more than equal, to the Protestants. But the victor deliberately fixed on the reign of Charles 2nd, as the period, the privileges of which he was willing to concede to the Irish. Now, what was the state of the Roman Catholics in Ireland at that period?* I will not enter into details: they are well given in the work of Dr. Browne,† to which the hon. baronet, the member for the Queen's County (sir H. Parnell) referred us, in the course of his temperate and candid speech, on a former debate. I will quote no more than four points:—1. Every person in office had, by early statutes, been long previously required to take the Oath of Supremacy:—by the 17th and 18th of Charles 2nd,‡ that oath was further required to be taken even by Schoolmasters. 2. At that period the Roman Catholics might not, it is true, have been formally and legally excluded from parliament, but it is quite clear that, by resolutions of the two

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* My right hon. friend, the Secretary of State for the Home Department (Mr. Peel), brought forward, in a subsequent part of the debate, an argument of great force, which had not occurred to me, from the analogy of the treaty with Ormonde. There, where both had distinctly in their contemplation civil rights, they used legal words unequivocally conveying them. See particularly Arts. I. III. VIII. IX. The treaty was not ratified; but that point does not bear upon the argument. It is enough to shew—in fact, the terms brought forward by the Irish in Limerick have shewn—that the Irish knew sufficiently the value of direct and specific words, when legal privileges were to be secured: they used them in the treaty with Ormonde: they tried to use them in the treaty with De Ginckel: and those terms being distinctly rejected by De Ginckel, cannot be held to have been re-instated by him on the same day, by any vague and circuitous inference. The treaty with Ormonde is curious, as illustrating the manners of the people at the time. One of the first measures of Strafford's government was to propose a bill, prohibiting the ploughing by the tails of horses. The Irish Parliament passed the act, [10 and 11 Car. I. c. 15.]; and the Irish, in treating with Ormonde, distinctly required, by Art. XXII., the repeal of this very statute [See Milton's observations on it, Milton's Prose Works, ii. 362]. It may be added, that even so late as the year 1780, Arthur Young found the practice lingering, I think, in the centre of Ireland.

* Father O'Leary, in denying any obligations of the Roman Catholics to the House of Stuart, speaks thus of Charles 2nd. "He confirms Cromwell's grants to the adventurers, who followed the banners of that regicide tinctured with the blood of the royal martyr, obliges his enemies by the sacrifice of his defenders, consents to the special exemption of Irish Catholics from the general act of indemnity, refuses the least assistance to lord R——, who sold his estate to support him during his exile, and gives his sanction to a ridiculous law, declaring it high treason to call the king a papist. * * * * However, the Irish Catholics can never sufficiently thank him for not punishing with halter, gibbet, and exenteration, a requiescat in pace."—O'Leary's Tracts, 1782. p. 93-4.

† Brief Review of the Question, whether the Articles of Limerick have been violated, by Arthur Browne, esq. representative in parliament for the University of Dublin.—Dublin, 8vo. 1783.

‡ 17 and 18 Car. 2nd, c. 6. § 6. see Browne. p. 33.

Houses (1661), requiring their own members to receive the communion according to the rites of the Established Church, the peers from the hands of the lord primate, the Commons from the same, or from any whom he might appoint,* the intention of each House was to exclude Roman Catholics. 3. The English parliament petitioned the king, that no papists should be admitted justices of the peace: that all licences to papists for inhabiting within corporations should be recalled. The king complied, as we read in Leland.† It will be recollected, that the Act of Settlement and Explanation, prohibited them from inhabiting within corporations, unless by special licence from the lord lieutenant and council.‡ 4. Roman Catholic priests were liable to banishment: and the duke of Ormond, when lord lieutenant, exercised the power of the law, and banished all their bishops except three.§ Sir, I state these facts historically, to shew, if one word of comment be necessary, that even the condition to which—in matters of religion—the treaty restored the Roman Catholics, was not Utopian. I describe the previously existing state of the Roman Catholics, not to defend it. My argument does not require, my inclination would not lead me, to uphold it. It is enough for me to describe, simply, the facts as they stand in history.

But it may be asked, what, then, did the Roman Catholics gain by this first article? They gained for themselves, and for all the people of Ireland, so far as De Ginckel could grant it, so far as their majesties could confirm the grant (the limitations I will presently state), the right of the private exercise of their religion—a right, as I have already shewn, denied to Waterford, and in the case of Galway scarcely‖ granted; and when it is recollected, that the benefits of the terms so granted to Galway were confined to its inhabitants and garrison; when it is recollected, that Cromwell, in his Irish wars, had directed his generals never to admit any fortress to stipulate for any parties, except those within its walls; and when it is seen, that the defenders of Limerick stipulated for the whole kingdom, as well as for themselves—the distinction is sufficiently marked between this, and any other treaty made in Ireland.

I proceed to the consideration of the second Article; that on which the hon. baronet chiefly relied, in his address to the House last night.

The first Article having, then, relation to religion, the second, I contend, has relation to property only. The terms of the first Article, whatever they were, extended to all the Roman Catholics of the kingdom: the terms of the second Article were limited to the parties therein described:—1. The inhabitants of Limerick, and of any other garrison in the possession of the Irish. 2. The officers and soldiers then in arms. 3. The officers detained in their majesties' quarters, "that are treated with, and who are not prisoners of war, or have taken protection, and shall return and submit to their majesties' obedience"—the House will notice the expression. "These several parties, and all their heirs, shall hold their estates of freehold and inheritance, and all their rights, titles, and interests, privileges, and immunities, which they and every or any of them held, enjoyed, or were rightfully and lawfully entitled to in the reign of king Charles the Second, or at any time since, by the laws and statutes that were in force in the said reign of king Charles the Second."—The hon. baronet, with great skill as an advocate, here closed the book from which he read this passage last night, and said, Can there be a doubt as to this treaty? is it not clear, that it restored and secured the unrestrained exercise both of political and private immunities by the Roman Catholics, as they enjoyed them in the reign of Charles 2nd? Could any jury draw any other conclusion? "For my part," says the hon. baronet, "I do not see how it is possible for words more expressly or directly to stipulate for the enjoyment of all rights, public as well as private, by the parties to the treaty and their heirs." I was almost induced to interrupt the hon. baronet at the moment, so far at any rate as to request him to read on: and if the whole construction of the Article be not completely changed by the next two lines, I will own myself utterly incompetent to draw any conclusion of law, or of common sense, from any writing whatever. The words which follow, define the rights restored to be rights annexed to estates:[*] they provide, that the parties described "shall be put in possession, by order of government, of such of them as are in the king's hands, or the hands of his tenants, without being put to any suit or trouble therein; and all such estates shall be freed and discharged from all arrears of crown-rents, quit-rents, and other public charges incurred and become due since Michaelmas, 1688." I ask, can there be a doubt that the rights here referred to are manorial rights, seignorial rights, and other franchises connected with property, and not with persons, and which as such might be seized or again restored by the Crown? Upon the construction of this Article, I would appeal fearlessly to the judgment of any jury in England, if my whole property depended on the issue.

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* Commons Journal (Ireland), I. 395, 21st May, 1661: for the Lords, see Browne.

† Leland, iii. 466.

‡ Browne, p. 33.

§ Curry, p. 93. in Browne, p. 23.

‖ It appears by Story, ii. 165, that major general Talmash was believed to be inclined o lay aside the treaty, i. e. not to grant even uch terms to the garrison and town.

The remainder of the Article provides that the parties therein described shall and may exercise their professions, trades, and callings, as freely as in the reign of Charles 2nd, provided that they, and all parties seeking the benefit of this Article, shall take the Oath of Allegiance.

The third Article extends the benefits of the first and second, to parties absent beyond the seas, if within eight months they shall return to the kingdom.

The ninth Article, one of those on which the hon. baronet has chiefly relied, one, on the alleged breach of which the orators of the Association most clamorously insist, provides as follows: "The oath to be administered to such Roman Catholics as submit to their Majesties' government, shall be the oath abovesaid and no other." Can there be a doubt, that the words "submit to their Majesties' government," in this Article, and the words "submit to their Majesties' obedience" in the second Article, mean the same thing? Can there be a doubt, that the meaning of the whole is this: that those whose estates are restored or confirmed to them; those who, laying down their arms, live peaceably in future; those, who exercise their professions, trades, and callings, quietly, shall not be required to take any other oath than the Oath of Allegiance to the government? Again I say, can it be supposed that such an article gave to the Roman Catholics of the whole kingdom a right by implication to eligibility to all civil functions and privileges, of corporations, of the bench, and of parliament, an eligibility which had been asked distinctly, by the same parties, and had been refused decisively, the very same day, by the same victorious general?

Limited as this Article is by all analogy, by all fair rules of construction, and by much contemporary evidence, as I am prepared to shew, it still conveyed so much more to the Roman Catholics of Ireland, than the Protestants of the empire thought them entitled to receive, that it gave great dissatisfaction. Dalrymple[*] has recorded some specimens of this feeling; but I will not quote any private authority, while I can quote an address of the House of Commons to the Throne[†].—"We, your Majesties most dutiful and loyal subjects" * * (this is the address of this House to king William, 4th of March, 1692) "crave leave to represent to your Majesty, that the addition made to the Articles of Lymerick," (I will call the attention of the House to this point presently), "after the same were finally agreed to, signed, and the town thereupon surrendered, hath been a very great incouragement to the Irish Papists, and a weakening to the English interest there * * *. And as to the additional article" (the words above referred to) "which opens so wide a passage to the Irish Papists to come in and repossess themselves of the estates which they had forfeited by their rebellion, we most humbly beseech that the Articles of Lymerick, with the said addition, may be laid before your Commons in parliament, that the manner of obtaining the same may be inquired into, to the end it may appear by what means the said Articles were so enlarged; and to what value the estates thereby claimed do amount."[*]

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[*] So in the Articles of Galway: "IX. That they shall enjoy their estates, real and personal, and all other liberties and immunities as they held, or ought to have held, under the acts of Settlement and Explanation, or otherways by the laws of this kingdom," (the phrase, "other liberties and immunities," might imply something of political power, if it were not for the words immediately following), "freely discharged from all crown-rents, quit-rents, and all other charges to the date hereof."—Story, ii, 165-171.

[*] Dalrymple, iii. 166.

[†] Journals, 4th of March, 1692, Vol. x. p. 842-3.

[‡] The King's Answer is dated 10th of March 1692, Journals, x. p. 848.

There is not one word said here about the grievance of power being granted to the Roman Catholics; there is not an allusion to any thing but property restored: that is to say, within a few months after the date of the treaty, the House of Commons of England present an address to the Crown, recording their deliberate condemnation of that treaty: — here, therefore, if any where, would have been exposed that aggravation of the evil of the treaty, as it would have been felt, if, by any article of it, any Roman Catholic could have claimed political power in Ireland.

This, Sir, was the opinion of the House of Commons of England, almost at the very time when the treaty received its ratification from the Crown. A few years afterwards, in 1697, the whole parliament of Ireland concurred in the same conclusion; and, by the act passed for the confirmation of the Articles of Limerick, distinctly proved, that, in their judgment, political power was not, and could not be, conveyed by any one, or by all of its articles, to the Roman Catholics of Ireland.

The other great party interested in the surrender of Limerick, king James 2nd, speaks with considerable satisfaction of the favourable terms which his garrison had obtained: but, in the specification of them, he does not seem, even for one moment, to have assumed, that those terms included any concession of political privileges. He appears, indeed, to think that the recognition of the freedom of the religious worship of the Roman Catholics was itself a sufficient advantage, secured as it was, not for the garrison only, but for the whole kingdom. His words, after describing the siege, are these:—"Notwithstanding the ill situation they were in, their forts taken, a breach made, and their condition in short desperate, yet they had the courage to insist upon, and the dexterity to obtain, articles not only for their own security, but which had a respect to the whole kingdom, consulting in the first place the king's honour and advantage, in getting permission to go," &c. [then follows a passage about the numbers so going, thirty thousand men] "in the next place, they articled for as free an exercise of the Catholic religion as in king Charles the Second's time, and a promise to procure a further security from any disturbance on that account: that all the inhabitants of Limerick, all officers, soldiers, &c. in the army, garrisons, or counties of Limerick, Clare, Kerry, Cork, and Mayo, should, upon submission, be restored to the estates they were in possession of in king Charles the Second's time; all persons to exercise their trades, and follow their professions, possess their goods, cattles, &c. as before the war."

It is sometimes said, it may be said again, that, even if the Treaty of Limerick did not, necessarily, bear the full construction now put upon it, the benefit of a doubt ought to be given to those who surrendered an impregnable city to a despairing besieger;* and, by so doing, fixed the succession of the Crown in a Protestant line: and that the Roman Catholics of this day are entitled to claim, if not from our justice, yet at least from our generosity, a large and liberal interpretation of articles so gained by their predecessors. Bishop Burnet appears to assume† that such a clause, giving the benefit of a doubt to the Irish, really existed; and Mr. O'Connell argues upon it as if he had read it.‡ No such clause exists: not did the Irish entitle themselves to any thing but the letter of their bond. I have shewn their distresses: let me add, that, when in a dispute with De Ginckel pending the negotiation, Sarsfield said "we are in your power," intimating that De Ginckel was taking advantage of him, he was answered, "Not so: but you shall go in (again) and then do the best you can."§ But Mr. O'Connell says, that "before the treaty was actually signed, the French fleet appeared off the coast. 'Here,' it was said, 'is the succour. Drive these invaders back to Dublin. The deed has not yet received seal or signature. Let none of its stipulations be fulfilled.' 'No,' said the Irish chieftains, 'the bond is certainly not executed, but Irish honour is plighted for the performance of its conditions—that honour has hitherto been untarnished; it shall remain so."‖ Now, what are the facts? In the first place, let me ask what is the merit of any man, or any body of men, not breaking their honour? but, in the next place, let me remind the House, first, that the fleet did not arrive till after one half of the city was in the hands of the English; and secondly, that the Irish, so far from not taking advantage of it, did forthwith "in consequence," says Story, "of the presence of the French fleet in the Shannon,"* urge the English general to introduce into the treaty those words—so few but so comprehensive—those words, of which the House of Commons of England complained, as I have already shewn;—those words, which restored the forfeited estates to all such as were under the protection of the Irish army in five of the six counties, as well as to that army and to the inhabitants of Limerick. De Ginckel had withdrawn his principal forces towards Dublin; and his instructions being to close the war on almost any terms, he admitted the insertion of these words, on the plea that they had been accidentally omitted by the copyist: (a supposition sufficiently improbable, when it is considered that they were the most comprehensive and important in the whole article); and king William ratified the act of his general: but the parliament of Ireland, on a full knowledge of these facts, expunged the words, and confirmed the article without them.† This is enough to prove that the Irish of this day are not entitled to claim any benefit from the chivalrous honour of their ancestors. So far as their claims are founded upon this Treaty, they must stand or fall by the strictest construction of it.

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* "They treated," says Mr. O'Connell, of the English generals, "with soldiers having arms in their hands, and being the masters of an impregnable fortress."—Speeches, 1828, p. 54.

† Burnet, ii. 81.

‡ Speeches, 1828, p. 54.

§ See Story, ii. 257. See also Continuation of Rapin, xiii. 474.

‖ Speeches, 1828, p. 55.

It is true that king James complains that some of the articles of the Treaty were subsequently violated; but this charge, be it true or be it false, is of no effect in respect to the demands of the present Roman Catholics, unless it can be proved that any thing now withheld from them had ever been guaranteed to them by any of those articles. It is alleged, that all the penal laws of the reign of William, of Anne, and of George 1st, were successive violations of this treaty. Sir, I think it unnecessary to enter into that question: those laws are now all repealed. I am not the defender of them; but while I do not feel myself called upon to support the penal code, or even to explain the general history of its enactment, I suppose that none will uphold, few can forget, the tyrannies of king James which preceded and almost caused them. The last parliament of James 2nd in Ireland repealed the acts of settlement and explanation; and passed a bill of attainder against all Irish Protestants of rank and property to the number of more than two thousand.* As, therefore, the parliament of James had the precedency in time, it has the precedency in guilt also; but enough of these recriminations: the acts of James 2nd are no more: the penal code is no more.

Sir, in reference to these charges of the infraction by parliament of the Treaty of Limerick, it is necessary to recollect, what both the parties to that treaty well knew, that, admitting for the sake of argument, that the articles as signed by De Ginckel and by Sarsfield secured to the Roman Catholics of that day, and to their descendants, all the rights which those descendants now claim, it was still subject to two conditions, viz. the ratification by the sovereign, and the confirmation by the parliament. Three times† in the course of the treaty are words introduced implying the necessity of parliamentary sanction in order to give validity to particular provisions of that treaty; their majesties' generals and lords justices engaging for them that they would endeavour to procure such sanction. Is it contended by any one that king William wanted the will honestly to endeavour to procure from his parliament the confirmation which parliament only could give? Sir, it was not so contended by lord Taaffe, himself an Irish Roman Catholic, who thus speaks of king William's government: "It was an engagement which king William could never be persuaded to depart from, and it soon produced its natural consequences. The security he granted to religious Dissenters of all denominations, restored industry, and plenty of all things; useful arts were introduced; the land was cultivated, and a fine island, reduced to a desert by the late war, soon assumed a new face. In fact, Ireland was never happier than under that monarch. He saw, though others could not, or would not, see, that the Irish Catholics might, by kind treatment, be rendered as good subjects as the Catholics in Holland, who served him faithfully, and fought under him against king James.

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* Story, ii. 272. In another passage Story says, that the Irish officers behaving "very high" in consequence of the presence of their allies, the General wrote two letters to sir Ralph Delaval, the admiral, directing him to proceed forthwith to the Shannon.—This, it may be added, he did not do; though he fought at La Hogue. He was one of the Tory admirals, by whom the naval service had been scandalously neglected; [Coxe's Shrewsbury, p. 19.] and whom the king in consequence dismissed, 1693.

† The protest in the Irish House of Lords against this bill was signed by fourteen peers, of whom seven were bishops; and seems to have been founded in some measure upon the injury which would arise to property by expunging, at such an interval, words introduced into the treaty at its ratification. "Because we apprehend many Protestants may, and will, suffer by this bill, in their just rights and pretensions, by reason of their having purchased and lent money upon the credit of the said articles, and as we conceive in several other respects." Lords' Journals (Ireland), 23 Sept. 1697, vol. i. p. 635.

* See Archbishop King's State of the Protestants. App. p. 1—40. So indiscriminate was their vengeance, that the surname only is sometimes put; thus, there is one —— Graham, of Co. Letrim; another, —— Weagh, of Co. Londonderry; by no other description, convicted and attainted of High Treason!

† See Art. 1st, 5th, 12th, besides their majesty's own reference to it in their words of confirmation.

"Neither the vicinity of king James, who still had friends in the kingdoms he abdicated, nor the power of Louis 14th, who maintained an army of Irish, who followed the fortune of that prince, could influence king William to alter his conduct towards the Catholics, who submitted to his government. He trusted to their engagements with him, and to the security he gave them; and their steady adherence to those engagements brought him daily proofs that his confidence was well placed."*

So much for the personal character of king William, his will, his intentions, and his success, where he had the means. Sir, it will not be contended that king William had the power to control his parliament, when it is recollected, that a House of Commons of England, even before he could ratify the treaty, remonstrated against it; and when it is further recollected, that it was a House of Commons which deprived him even of his own Dutch guards. No man at the time denied the personal sincerity of king William; and it was therefore with considerable surprise that I heard from the honourable baronet last night the expression the "shuffling policy of king William;" an expression which I might rather have expected from the old Tories or the Jacobites than from him.

The utmost which could be required from king William was, that he should heartily try to give effect to the pledge made in his name; but the ultimate appeal was, as all knew, to the deliberative wisdom of parliament; and rested not with the single person of the sovereign. It is true, that some treaties require not such intervention; but all treaties connected with domestic interests necessarily involve it: and William 3rd could no more, by his single authority, in confirming the articles of Limerick, virtually repeal any statutes then existing against Popery, than the king of Hanover could, by a proclamation, naturalise in England all his German subjects. Yet even what king William did, in his own name, and under his own prerogative, attempt to do in the matter of this treaty, appeared to king James to be any thing but a proof of want of sincerity.

The king says—"it was an additional mortification to him in this conjuncture to see his people so willing to overlook such stretches of power and pretended prerogative in an usurper, they had so vehemently resisted in their lawful prince, for the prince of Orange's granting, on this occasion, by his sole authority, such privileges in respect to the exercise of religion, preserving arms, excusing from oaths, and such like concessions in the Treaty of Limerick, was taking much larger steps towards a dispensing power, than what he himself was now so grievously persecuted for, and which it seems could never be forgotten or atoned for."*

But it will be said that the treaty was violated, inasmuch as it was not ratified by parliament. It will not surely be contended by any Whig, that the two Houses were only appointed to register the king's ordinances, or treaties. It will not be contended, that it is not the perpetual right and duty of parliament to watch over them: it will as little be denied, that, in this very matter of religion, the authority of the sovereign has, even in later times, been scrupulously restrained. My right hon. and learned friend over the way (sir James Mackintosh) than whom no man is better acquainted with all history, and particularly with the history of this country and that period, and from whom we look impatiently for the result of his labours on it, must be fully aware, that a case somewhat analogous occurred no longer ago than in 1763. I will read to the House a passage from a table on their table: it is an extract of a letter from the Earl of Egremont to Governor Murray, dated Whitehall, 13th August, 1763.*

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* Observations on Affairs in Ireland from the Settlement in 1691, by Nicholas, viscount Taaffe, p. 6. Second Edition, 1766.

* Treaty of Limerick. Life of James 2nd vol. ii. p. 467.

"Though the king has, in the fourth article of the Definitive Treaty, agreed to grant the 'liberty of the Catholic religion to the inhabitants of Canada,' and though his majesty is far from entertaining the most distant thoughts of restraining 'his new Roman Catholic subjects from professing the worship of their religion according to the rites of the Romish church,' yet the condition expressed in the same article must always be remembered, viz. 'as far as the laws of Great Britain permit;' which laws prohibit absolutely any popish hierarchy in any of the dominions belonging to the Crown of Great Britain, and can only admit of a toleration of the exercise of that religion. This matter was clearly understood in the negotiation of the Definitive Treaty. The French ministers proposed to insert the words *comme ci-devant,* in order that the Romish religion should continue to be exercised in the same manner as under their government; and they did not give up the point until they were plainly told, that it would be deceiving them to admit those words, for the king had not the power to tolerate that religion in any other manner than 'as far as the laws of Great Britain permit.'"

I think, Sir, I have proved sufficiently that the Treaty of Limerick was never intended to bear the weight which has been hung upon it: with that weight it has broke down; and it now overwhelms the hon. baronet, and the cause which he designed to shelter under it. There the ruin may remain: the materials are not worth picking up again: nor should I linger upon the spot for another minute, if it were not to remind the House of the pomp and circumstance with which the fabric had been erected, the importance attached to it, and the character of solidity and value given to it in the speeches of those who so lately supported it.

The next position which the hon. baronet takes up in defence of the claims of the petitioners, is the pledge given to them at the Treaty of Union. I do not mean that the hon. baronet quotes such a pledge from any article of the act of Union, or from any speech either of the king or the lord lieutenant. The words which he read from the late king's speech on the prorogation of the first parliament after the Union, could convey no such specific security, even if the king's personal opinions had been less known both to his ministers at that time and to the world. There is one passage, indeed, in a speech from the throne in Ireland, in 1799, which, if read now, with a view to this question, the hon. baronet might have quoted as an authority in his favour. It is this:*—"And his majesty, as the common father of his people, must look forward with earnest anxiety to the moment, when, in conformity to the sentiments, wishes, and real interests, of his subjects in Great Britain and Ireland, they may all be inseparably united in the full enjoyment of the blessings of a free constitution." But no notice was taken of this at the time; because at the time all parties knew that it referred to an union of the two nations, and not to any equalization of the two religions.

Sir, there was not only no official pledge given publicly by the government at the Union, in respect to this matter: there was scarcely any semi-official declaration by which the public mind in Ireland could be led in any direction at that time. The pamphlet which the hon. baronet seemed to regard as the manifesto of the government on the occasion of the Union was, though no name appears to it, written by the late Mr. Cooke, then private secretary to the chief secretary to the lord lieutenant of Ireland.† The pamphlet to which, as I think, far more attention is due, as representing the mind of the English government, is the celebrated speech of Mr. Pitt on the Union.* Mr. Foster, at least, the Speaker of the Irish House, regarded it as the authoritative exposition of the principles of the administration in respect to that measure. He complains, that the influence and purse of government had been employed in circulating it, and that ten thousand copies had been printed by the king's printer.† Does Mr. Foster find in this speech, so printed, so circulated, any pledge, or even much encouragement to the Roman Catholics?

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* Papers on the Roman Catholic Religion, No. 181, of Session 1814, p. 20. See the Art. of the treaty, p. 24, and the king's instructions, p. 25.

* Lord Cornwallis's speech, 1st June, 1799. See Sylvester Douglas's (late lord Glenbervie) speech on the Union, p. 184.

† Arguments for and against an Union between Great Britain and Ireland, considered, Dublin and London, Dec. 1798.

His words are these: "I will only observe upon it, that Mr. Pitt's language is of such a nature, that one would imagine he had the two religions on either side of him, and one was not to hear what he said to the other. He tells the Catholic in his speech, that it is not easy to say what should be the Church establishment in this kingdom; and his fifth resolution states that the present Church establishment is to be preserved. He tells them, that the time for discussing their situation must depend on two points, 'when their conduct shall make it safe, and when the temper of the times shall be favourable;' and Mr. Dundas adds, 'if ever such a time shall come.'" This was Mr. Foster's construction of Mr. Pitt's speech. He, at least, did not conceive that Mr. Pitt was circulating any distinct and positive pledge to the Roman Catholics: he, answering Mr. Pitt at the time, did not collect from that speech any assurance on the part of Mr. Pitt to that body, that if they would support him in his object, he would support them in theirs. Let the House judge from Mr. Pitt's own words:‡

"By many I know it will be contended, that the religion professed by a majority of the people should at least be entitled to an equality of privileges. I have heard such an argument urged in this House; but those who apply it without qualification to the case of Ireland, forget surely the principles on which English interest and English connexion have been established in that country, and on which its present legislature is formed. No man can say that, in the present state of things, and while Ireland remains a separate kingdom, full concession could be made to the Catholics without endangering the state, and shaking the constitution of Ireland to its centre.

"On the other hand, without anticipating the discussion, or the propriety of agitating the question, or saying how soon, or how late, it may be fit to discuss it, two propositions are indisputable: First, when the conduct of the Catholics shall be such as to make it safe for the government to admit them to the participation of the privileges granted to those of the Established religion, and when the temper of the times shall be favourable to such a measure: when these events take place, it is obvious that such a question may be agitated in an united Imperial parliament with much greater safety than it could be in a separate legislature. In the second place, I think it certain that even for whatever period it may be thought necessary after the Union to withhold from the Catholics the enjoyment of those advantages, many of the objections which at present arise out of their situation would be removed, if the Protestant legislature were no longer separate and local, but general and imperial."

I might quote much more from other members of the government, and other supporters of the measure; but, as they are only the public speeches of private men, and not clothed with the authority of a speech from the Throne to the two Houses, they could not, even if they contained distinct pledges to the Roman Catholics, do more than bind the individuals who delivered them.

The right hon. gentleman, the knight of Kerry, states, that there were private pledges given by the Irish government, to the Roman Catholics, in order to secure their support of the Union; that he himself was a member of that government at that time; and was not merely cognisant of the fact, but a party to it. No one who has the advantage of knowing that right hon. gentleman, will hesitate for a moment to receive any fact on his statement of his personal knowledge of it, much more one connected with himself: but admitting, as I admit, all his facts, I ask again, what do they prove, except the obligation which such pledges imposed upon those who gave them? They left no obligation on others; they could attach no obligation upon the king, or upon parliament.

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* Speech of the right hon. William Pitt, 31st Jan. 1799. Wright. London. 1799.

† "In discussing the subject, I must often allude to a speech published as Mr. Pitt's, and as various editions of it have been circulated, I shall select that to which the government has given the sanction of its authority, the one printed by the king's printer, under their direction, of which ten thousand copies have been circulated gratis by them, and all of which have been paid for at the public expense." Speech of the right hon. John Foster, 11th April, 1799, p. 1. London, 1799.

‡ Speech of the right hon. W. Pitt, on the Union, 31st Jan. 1799, pp. 39, 40. Wright. London. 1799.

Sir, in the first place, there was no official body to whom pledges of a public nature could be given; there was no recognized organ of the Roman Catholics, with whom the government could communicate: all the intercourse was from individuals to individuals. The nearest approach to an assembly supposed to act for the Roman Catholics, was the meeting of the prelates of that communion then sitting in Dublin; and, though they deliberated on the question of a state-provision for the Roman Catholic clergy,* it does not appear that the larger subject ever came before them. In the next place, the Roman Catholics could do little in the matter, if, in return for any pledges made to them, they had been disposed to exert themselves in support of the Union. They had not then sitting a rival parliament, or association, the resolutions of which might have been accepted by their brethren throughout the island.

In the last place, Sir, Mr. Plowden,† one of their own church, and no mean authority on the subject, says distinctly, that though they "generally gave all the weight they could command to Mr. Pitt's proposition for the Union," * * * "though the predominant interests of the Catholics was certainly in favour of the Union, no public act of the body ever passed upon it: many Catholics in Dublin entered into very spirited and judicious resolutions against that fatal measure, and several of the most independent and best-informed Catholics individually opposed it. Of all the king's subjects, the Irish Catholics had eminently the most reason to oppose the Union, by which they lost their own consequence." If, therefore, any pledge had been given, it does not fully appear, that the condition on which only, by the argument, it is assumed to be binding, was, on their part, fulfilled.

But, Sir, no pledge was or could be given, except by individuals; and no pledge was given, even individually, by many whose names are quoted on these occasions. The late lord Auckland,* referring, in his speech on the Roman Catholic question in 1805, to the Union, in the arrangement of which measure he states himself to have been much engaged, distinctly declares that he never heard of any such pledge; nay, more, that if the concessions were in the contemplation of the government, they were industriously concealed from him and others of their associates. Above all, in 1805 Mr. Pitt as distinctly denied that any pledge was given by him.†

The utmost which can be made out is briefly this, that Mr. Pitt was not directly and in words, and to the Roman Catholics, but by conviction, and to his own conscience, pledged to bring forward his measure for their relief. That measure he found that he could not bring forward with the authority of government; and therefore he resigned his office, and thus redeemed his "pledge." Let no man accuse Mr. Pitt of breach of faith to the Roman Catholics: every expectation which they were entitled to form, as raised by him, he realized at a cost to himself greater almost than any mind except his own could measure. What greater object could there have been to a mind like Mr. Pitt's than to have closed the war which he had commenced? What greater object could any man at any time have resigned, than power was, to a mind like that of Mr. Pitt? Yet his favourite projects of foreign policy, and his own unrivalled station, he resigned, when he found himself unable to carry into execution his wishes in favour of the Irish Roman Catholics.

And, on another branch of this subject, let it always be recollected, that, in taking office again, without stipulating for any measure in favour of the Roman Catholics, he violated no pledge to them. The paper in which lord Cornwallis used the word pledge, as applied to the members of government retiring in 1801, was an "unsigned, undated, paper, hastily given by me," says lord Cornwallis, to Dr. Troy, "to be circulated amongst his friends, with the view of preventing any immediate disturbances, or other bad effects, that might be apprehended from the accounts that had just arrived from England; and if I used the word pledged,* I could only mean that, in my opinion, the ministers, by resigning their offices, gave a pledge of their being friends to the measure of Catholic Emancipation; for I can assure you that I never received authority, directly or indirectly, from any member of administration who resigned his office at that time, to give a pledge that he would not embark again in the service of government, except on the terms of the Catholic privileges being obtained."

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* Papers before parliament, No. 298, of Session 1815, p. 59.

† Plowden's "Ireland since the Union," vol. ii., p. 120.

* Parl. Debates, 13th May, 1805, vol. iv. p. 826.

† *Ibid.* 14th May, 1805, p. 1015.

Admitting, however, that there was a pledge, all that can be said is, though the illustration is familiar, that the government of 1801 finding themselves unable to carry on their engagements, threw every thing up, and took the benefit of the Insolvent act: but when they returned to the world, they were at liberty,—assuming again that there had been a pledge,—to consider that pledge redeemed, and a new account opened.

After all, Sir, I am surprised at the doctrine, and still more at the quarter from which it comes, as if the opinions, or even the pledges, of a minister, were to be binding not only upon himself and his colleagues, but upon his sovereign and upon parliament. Sir, admitting to the utmost, for the sake of argument, the positiveness and solemnity of every pledge assumed to have been given by Mr. Pitt to the Irish Roman Catholics, the pledges were for his best exertions, and could not have been for the success of them.

While, then, the Roman Catholics of the present day cannot, on the grounds of natural right, or on those of specific convention, claim the concession of the political privileges still withheld from them; while they cannot, on the faith of any honourable understanding at the time of the Union, urge the legislature of the United Kingdom to surrender any further advantages to them, there may be, on the other hand, a preliminary and a fatal objection, in point of principle, on the part of one of the three branches of the legislature, to the adoption of any such measure. To that objection I am old-fashioned enough to attach some weight.

I will not enter into the *animus imponentis*, in respect to the Coronation Oath, further than to say, that if the sovereign for the time being were told in Westminster Abbey, by the voice of the two Houses on the day of his coronation, that the oath which he was about to take had respect to the preservation, for instance, of the existing tythe-system, the sovereign so receiving the oath, and so taking it, could not be released from its sanctions by the unanimous declaration of the two Houses of Parliament, ten years afterwards, in favour of the suppression of tythes. No bill which they might present to him for such a purpose could he pass into a law, without violating his oath; and without thereby destroying the sanctity of the principle by which he himself could claim the allegiance of his people. But there may be cases in which (no distinct explanation of the meaning and intent of the Coronation Oath, being given to the sovereign by parliament), the individual sovereign may himself, as an independent branch of the legislature (as independent as either House of Parliament,) refuse his consent to any bill, on any ground. I trust that this House will never forget the right of the sovereign to exercise his judgment equally with either House on every measure before parliament. And there are other and mixed cases, perhaps the Roman Catholic question is one, in which the sovereign, for the time being, might feel that, if the legislature shall not have prescribed an authoritative exposition of his intended oath, he is bound, seeking the aid of history and of the general context of the constitution, to give his own conscientious interpretation to the oath, and to act upon it accordingly. This was clearly the case with our late illustrious monarch. If the sovereign, for the time being, shall judge himself to be bound by the oath to a particular line of conduct, it is a question altogether between him and his maker: but even if the king's *conscience* be not necessarily bound, his *judgment*, which is constitutionally free, may equally lead him to the same result; and though the doctrine is unpopular in this House, I will repeat, that the king of England is not, as some half republicans call him, merely the first magistrate, but an original integral, essential part of the legislature, and as much entitled to a deliberative voice in any measure, as either House of Parliament; though by the indulgence of the House of Hanover, the right has never, I think, been exercised since their accession. I refer to the question only lest I should appear to overlook the subject altogether. I mean not to enter in detail upon it; it is sufficient for my purpose to state, that though future parliaments might suggest to future sovereigns a different interpretation of the oath, there might now be legal and constitutional objections to the measure, fatal, and justly and constitutionally fatal to its success, even if it should be recommended by the unanimous voice of the two Houses. But I waive the point; and will consider the whole question as one open freely to the consideration of parliament, on the general grounds of political expediency.

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* The word is used. Plowden's Ireland since the Union, vol. i. p. 46.

I mean not to degrade the question when I so regard it; I wish not to speak slightingly of the interests of so many of our fellow-subjects; but if their claims be not of right, they must be of expediency; and if of expediency, though the extent may vary, the principle is the same, whether its objects be ten men or ten millions. I have hitherto put wholly out of the question the number of the applicants: if a claim be founded in right, I should be ashamed to withhold it from one poor and silent man; if it be not founded in right, I should be ashamed of a government which could be bullied by six clamorous and sturdy millions into a weak and inconsistent concession. The whole question, then, is, whether the concession be weak and inconsistent, or wise and prudent.

I say, then, that the question of Roman Catholic Emancipation is like the merest and meanest question of domestic policy for which a bill is introduced into this House, to be canvassed and decided on the grounds of more or less public convenience following the rejection or the concession of it. "Right," as Mr. Pitt stated, "is independent of circumstances and paramount to them; whilst Expediency is the creature of circumstances, and, in a great measure, dependent upon them:"* and I am very willing to admit, that in this point of view, it is a very different question whether the number of the petitioners be ten or ten millions: but I will not stop here; but say at once, that the argument cuts two ways; and, if it be more important to conciliate millions than hundreds, assuming that the measure asked would conciliate them, it is on the other hand, more important and a more imperative duty to resist all concession, and to disregard all threats, when there is a moral certainty that we are only arming discontent with power, that we are leaguing physical strength with political importance, and putting new weapons of assault in the hands of those who have already shewn us that they want not the spirit and the will to use them.

My hon. and learned friend, the Solicitor-general for Ireland (Mr. Doherty) in a speech of great force which he delivered last night, told us, that there were three different lines of conduct open to us to pursue; and he urged us to strike into that which he called the new and untrod line of concession and conciliation. I should like to know in what path the imperial parliament, or the separate legislatures, have been treading for the last forty years, if not in the path of concession? Has it led to conciliation, or to any thing like conciliation? If it have not, why should we advance further upon it? And why should we entertain greater hopes of succeeding now, than we entertained forty years ago? Have we, after all our efforts, yet come in sight of conciliation? And if we have not, when do we expect to reach it?

I proceed, then, to compare the language of the Roman Catholics of former times, before their existing measure of political power was conceded to them, with their later language. It will thence be seen whether concession be conciliation, and whether peace and harmony have or have not been promoted by granting political power to the Roman Catholics of Ireland. Let me not be misunderstood: I make now, as I have always made, the widest distinction between political power and religious toleration: I ask not in foreign countries for any thing more than a toleration of Protestants: I think that the measure of policy, in a government so mixed as our own, with a limited monarchy, a church united with the state, and a representative body so open to popular influences, should be to confine power to those who will give their undivided allegiance to a state so constituted; or at least to exclude from power, the power of legislating for Protestant interests, a body consistently and conscientiously opposed to Protestantism, and bound to promote the advancement of their own church.*

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* Parliamentary Debates, May 14, 1805, vol. iv. p. 1014.

The question is, whether the Roman Catholics, when all penalties on their religion, as such, were removed, were not better subjects than they are now, when political power has been given to them, and they are seeking more? I might go back even to a date within the period of the penal laws, and show instances of such kind and right feelings, on both sides, as would prove that, practically, there was and must have been a great relaxation of those laws, long before the formal repeal of them. I refer, among other instances, to bishop Berkley's address† to the Roman Catholics, and to their answer also, included in his works: and I refer to the conduct of the Roman Catholics in the year 1745. I will not, however, rely on such precedents. I will take only declarations made by the Roman Catholics subsequent to the period when the freedom of their religion was restored in 1782. And first, Sir, I will quote the language of Dr. James Butler, a Roman Catholic ecclesiastic of the highest rank in Ireland, titular archbishop of Cashel;‡ and here, Sir, let me remark by the way, not merely the modesty of his title, for, in the first page, he calls himself simply Dr. James Butler, but the studied apology for afterwards introducing himself under any other designation, though it is still only titular archbishop:* in the greater part of the book, it is "superiors of the Roman Catholic communion in Ireland:" now, Sir, words are things, if any where, certainly in the Church of Rome; and the resumption of the old titles of their sees, by the present Roman Catholic prelates, marks pretty conclusively their own reliance on the advance of their cause, and their confidence, I trust their vain confidence, in its ultimate success.

The work which I quote is an answer to the celebrated pamphlet of Dr. Woodward, bishop of Cloyne; and speaks of the state of the Roman Catholics before they were permitted to enter on the career of political power. In this work, which is of a controversial nature, and in which, as such, he might be supposed rather to have magnified the evils, than exaggerated the blessings, of their condition, Dr. James Butler speaks thus justly and gratefully of the then existing situation of the Roman Catholics. He speaks of the duty of the Roman Catholics, as "a grateful body of people towards the sovereign and the legislature, under whom we have derived so many and great immunities:"† he says, "We had heard the trumpet of persecution * * blow its last. * * * The storms and clouds of an inauspicious century had been dispersed by the mild sunshine of peace, and the harmless Catholic reposed under his vine and fig-tree, safe and unenvied.‡" This was written, let it be remembered, in the interval between the period in which the Roman Catholics first obtained security for the exercise of their religion, and that, in which their appetite was first whetted by a taste for political power. I will continue to quote Dr. Butler: he is speaking of the insurrection in the south, the Whiteboy system, &c., and he says that "when the first troubles broke out in the south, the most active exertions in their power were used by the Roman Catholic clergy to bring back their deluded flock to a sense of duty, order, and obedience. We exhorted them in the name of our religion: we threatened with the fear of punishment from that Almighty whom their wickedness might provoke. We argued upon the impolicy—and pointed out the ingratitude—of irritating a legislature, whose power to depress us had been so manifestly evinced in the very privileges it had opened to us."* Compare this with the language of Dr. Doyle in 1825, not writing under the initials J. K. L. but in his own avowed character: the passage has been often quoted, once already by myself on a former occasion; but I again entreat the attention of the House to it. "If a rebellion were raging from Cape Clear to Carrickfergus, not a priest would denounce it from the altar."† There is a strange and wonderful difference between the language of the Roman Catholic bishop, who forty years ago considered that the secure exercise of his religion, the freedom of his property, and the personal privileges restored to him, were inestimable advantages, and the language of the Roman Catholic bishop of the present day, who wishes to raise his creed to political power.

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* Upon the general principle, Burke admits that "there are considerations which may render it advisable for a wise government to keep the leading parts of every branch of civil and military administration in hands of the best trust; but a total exclusion from the commonwealth is a very different thing." He is speaking of the condition of the Roman Catholics under the constitution of Ireland in 1782, before the relaxation of the penal laws by the act of that year. [Letter to a Peer of Ireland. Works, vi. p. 275.] Bolinbroke said long before; "The good of society may require, that no person should be deprived of the protection of government on account of his opinions in religious matters; but it does not follow from hence, that men ought to be trusted in any degree with the preservation of the establishment, who must, to be consistent with their principles, endeavour the subversion of what is established."—Letter to sir William Windham. Works, ix. 23.

† Berkley's Miscellanies, p. 108—9.

‡ He was of the House of Ormonde [see evidence before the Commons, 1825]. His work is entitled "Justification of the Tenets of the Roman Catholic Religion, and a Refutation of the Charges brought against its Clergy, by the Right Rev. Lord Bishop of Cloyne. By Dr. James Butler." 1787.

* "The reader will therefore pardon me, if he sometimes hears of such men as titular bishops and their clergy, and if I am sometimes obliged to speak of my own titular Suffragans." Butler, p. 7.

† Butler, p. 10.

‡ Butler, p. 14. See a similar passage by the late Dr. Milner, in the Appendix, p. 168.

So much for the declarations of the Roman Catholic prelates: I will not, however, confine myself to such evidence. I will place before you the declarations of the laity; and I call upon you to mark the difference between the language of the addresses of the Roman Catholics thirty years ago, and the language of the petitions presented at present. I have endeavoured to find some place which sent addresses at both periods, in order to contrast the difference in their language, but I have not been able to find exactly any such; but I will compare an address from two places in the county of Wexford, in 1797, with the general address of that county in 1827.

The people of Moyacomb and Barragh, one thousand five hundred and sixty-one in number, assembled at Clonegal chapel, in the county of Wexford, declare as follows:—"We, the Roman Catholic inhabitants of the parishes of Moyacomb and Barragh, think it incumbent upon us at this crisis of internal disturbance publicly to declare our unalterable attachment to his sacred majesty king George 3rd, and that most excellent constitution which his mild and paternal reign has restored to us. * * * Loyalty has ever been the distinguished trait of the Catholic body; superadded to this we have now a common interest to defend: his majesty, in admitting us to the constitution, has bestowed on us an invaluable heritage;* and we solemnly promise at this altar, in the presence of Almighty God, that we will cling to him, and defend him and that heritage which he has conferred on us, if need be with our blood."

Now the language of the last petition† which I can find "of the body of the same county," is that the parties are "excluded from the free constitution of these realms;" they, the Roman Catholics, who thirty years ago declared that they had a common interest in it with ourselves, and professed their gratitude to their sovereign for bestowing on them so invaluable an heritage.‡ "They have learnt by experience," said some other petitioners last year from two parishes close to Clonegal, that "the exclusion of seven millions from their rights and privileges has been the source of perpetual discord and discontent."§

I have now placed before you a singular contrast between the Roman Catholic as he was before you gave him a draught of political power, and as he was in the first hour of enjoying it; and, on the other hand, the Roman Catholic as he is, now that, having obtained what then appeared his object, he asks, dissatisfied, for more. I ask you to tell me what you have gained in the loyalty, and good order, and affectionate submission, of your Roman Catholic subjects, by all your concessions? Are you authorised by your experience of the past, to expect that your future concessions, if you yield more to their claims, will be attended by more favourable results? My hon. and learned friend, the Solicitor-general for Ireland, described in very forcible language the difficulty—and no one can overrate the difficulty—of our present position: but I contend that the difficulty will be increased, not ten-fold but a hundred-fold, by any further concessions. The claims of the Roman Catholics in the beginning were humble and obscure; they are now shrouded in clouds and darkness; and it is hardly possible to say to what extent they aspire:

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* Butler, p. 29.

† Dr. Doyle's letter to Mr. Robertson, in Letters on the Re-union of the Churches, p. 4.

* On the subject of the condition of the Roman Catholics at that period, I add a few lines from the work of a friend, whose name I do not think it fair to quote, as, since writing them, he has changed the opinions which they express:—"Is there a single burthen which either is or can be imposed upon them, without equally affecting all the members of the community? Where then is the insufferable grievance? Why, merely this; one in twenty thousand of them cannot have the full gratification of his ambition." Since that day, the army and navy, to their highest ranks, besides other advantages, have been opened to the Roman Catholics.

† Journals, 1824, p. 446.

‡ "Gratitude soon wears out," as Wolfe Tone says, speaking of the feelings of his Roman Catholic clients in respect to the concessions of 1793, while he was pointing out to them other and higher objects, i. 187—"When Mr. Secretary Hobart pressed the Roman Catholics of that day to say that they were satisfied, those who were willing to say so argued that the minister did not say the Catholics were to acquiesce for ever under the measures intended, but only that the public mind should not be irritated; that every accession of strength enabled them the better to secure the remainder," &c.—Wolfe Tone, i. 93.

§ Votes, 1827, p. 632.

Parva metu primo: mox sese attollit in auras
Ingrediturque solo, et caput inter nubila condit.

I correct myself: this is not strictly the case; they have looked down from their cloud, and have shown their fronts openly, and told us at once what it is which they demand. They demand open, absolute, unqualified, Emancipation. They have well followed the hint of Wolfe Tone, "my advice has been for the Catholics to rise at every refusal in their demands like the ancient Sybil, which they seem determined to do."* I might quote many daring declarations from the volume which I hold in my hand, entitled the Speeches of D. O'Connell, esq. and Richard Shiel, esq., just published; and which, on first looking at it, I thought must have been compiled by a Protestant, for I could not conceive that any Roman Catholic would have formed an armoury, from which so many weapons could be drawn against himself. In this, I find, I was mistaken; and the volume may be received as a genuine Roman Catholic work.

So much for the progress of demand among the Roman Catholics, whether priests or laity, individuals or in bodies. I will now consider the language of their supporters in parliament. I will not go back to the days of the Revolution to remind the House of the opinions of their great predecessors. Lord Somers and king William may be dim lights in a dark age: and I will therefore go no further than the memory of many still living. The House will recollect that, from the commencement to the close of the reign of our late excellent king, measures were continually in progress to meliorate the civil condition of all his subjects. The Roman Catholics shared largely in these benefits. One by one, as has been well said, each link of the penal chain was loosened, every manacle unfastened, and the Roman Catholic Church in Ireland went forth without fetters among the people. I will not detail the history of the acts of 1772 and 1778. I will go on at once to the proceedings in 1782. Then was brought into the Irish House of Commons the first great bill for the relief of the Roman Catholics. It was moved by Mr. Gardener:* he said, that he limited his claims on their behalf to five points, the object of his wishes and his hopes, but not of his expectations or plan; since he thought that he perceived a spirit so hostile to the concession of the fifth, that he excluded it from the bill which he subsequently brought into the Irish parliament. The five were as follow: the first related to their right of property; the second to the exercise of their religion; the third to the education of their children; the fourth to their marriages; and the fifth and last, to their right to carry arms; the last, the right of self-defence, was the one which Mr. Gardener thought it imprudent to press. Not a whisper was then heard about the elective franchise, not one word about eligibility to parliament; not one word about the army, the navy, corporations, the cabinet, or the Crown. Even on the first point, that of property, what was the language of Mr. Grattan? He said, "three years ago, when this question was debated in this House * * * I do declare I was somewhat prejudiced against granting to the Roman Catholics estates in fee; but their conduct since that period has fully convinced me of their true attachment to this country. * * * I give my consent to the clause in its principle, extent, and boldness."†

If Mr. Grattan, in 1782, thought himself a bold man in granting to the Roman Catholics the measure of 1782,[*] what must he have thought of his own boldness —I ask what opinion we ought to form of it—on finding himself, within ten years afterwards, urging their claims to an almost unqualified emancipation?

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* Vol. i. p. 205.

* Irish Debates, vol. i. p. 248, 15th Feb, 1782.

† Irish Debates, vol. i. p. 257—259.

In the same debate, Mr. Grattan said[†] on the first clause about property: "it is a clause of union and incorporation; it says, 'Countrymen, that have been so long separated from us, we hold out our hands to you; we are willing to become one people; we are willing to grant you every privilege compatible with the Protestant ascendant'"—that very technical and peculiar phrase, which is sufficiently understood every where, but which at that time and in that place,—within the hearing of lord Charlemont,—was peculiarly intelligible. Sir, I quote Mr. Grattan's words, not from his works collected after his death,[‡] but from the second edition of the Dublin Hansard's Debates, which second edition was itself published so early as 1784: if, therefore, there had been any error in the phrase in the first edition, it could in the second have been corrected. But, I repeat it, that at that time Mr. Grattan was not ashamed of the words, or of the things signified by the words "Protestant ascendancy;" on the preservation of which, I believe in my conscience, that the union of the two countries mainly depends. Such was the limitation, without which Mr. Grattan was not at that time prepared to think of granting any boon to the Roman Catholics. But what said Mr. Grattan in 1793? "He must be a visionary politician who imagined that after what had been granted to the Catholics, they could long be kept out of the state: for (added he) the barrier which you have now erected cannot stand—it is in vain keeping out of the offices of the state the men whom you have admitted into the constitution."[*] Do I blame Mr. Grattan for this extraordinary change in his language in the course of ten years? Do I wish to bind Mr. Grattan, or any other statesman, to the constant advocacy of the same set of opinions at all times and under all circumstances? Is it said that I allow no change or modification from enlarged experience or deeper reasoning? Sir, I deny the charge. I contend that it is the right, and, yet more, that it is the duty, of every man to change his opinions, when circumstances change around him; but I say, that in elementary questions of civil government, the principles are permanent, and ought not to be hastily embraced, or as hastily exchanged; and I ask, if there be no security in the language used by the advocates of the Roman Catholic claims in 1782, against a change of opinion, not merely in their successors, but even in themselves in 1793—what security have we against any change of opinion in the hon. member for Westminster, or in his successor, or even in himself, only ten years hence, on this most important of all political questions? Having granted in 1793 what was then considered so much, and is now considered so little, what security have we, that, if we shall grant still more in 1828, the same parties may not again turn round upon us and say, "you have done nothing, you have given nothing, you have left the Roman Catholic as an insulated and degraded being; he still cannot be lord chancellor;* he still cannot be king. The heir apparent is the only person in the kingdom who must sacrifice his conscience or his inheritance!" What security have we, that we shall not be called upon to release the "suffering millions" from the payment of tythes to a Protestant priest; or, perhaps, to make Protestants pay for a Roman Catholic church there, and then to surrender the whole island to "the religion of the people?" Sir, I see before me an hon. friend of mine who is prepared, I know, to give up the Protestant church in Ireland: I will not quote him farther, as he has not yet openly declared his opinions in the House, and is not therefore here responsible for them: but my hon. friend argues, that as the established religion of England is the Protestant episcopal church, and the established religion of Scotland is the Presbyterian, because the majority of the inhabitants of each are respectively Protestant episcopalians and Presbyterians, so ought the established religion of Ireland to be the Roman Catholic church, because the majority of the people there are Roman Catholics.†

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[*] On another occasion, 25th Jan. 1782, sir Hercules Langrishe stated—"If they were not to be satisfied with any concession, while any thing remained to be conceded, in that case common sense must suggest to us that we should not, by any new concession, unite more power with their discontent."

[†] Feb. 15, 1782. Irish Debates, vol. i. p. 243.

[‡] In the collected works, vol. i. p. 100, the phrase is vague, and dilated "into every privilege compatible with the constitution." If the phrase were altered by Mr. Grattan on the ground of any growing disinclination to "the Protestant ascendancy," it is a fresh proof of the hazard of taking the opinions of any advocate of the Roman Catholic claims as a given standard at any one time: if the phrase were altered not by him, but by others, it loses all the authority due to his name. I give a definition of Protestant ascendancy by a high constitutional Irish whig in 1792. "By Protestant ascendancy" (said Mr. Sheridan, cousin of R. B. Sheridan), "he meant a Protestant king, to whom only, being Protestant, we owed allegiance; a Protestant House of Peers, composed of Protestant lords spiritual in Protestant succession, of Protestant lords temporal with Protestant inheritance; a Protestant House of Commons elected and deputed by Protestant constituents; in short, a Protestant legislative, a Protestant judicial, and a Protestant executive, in all and each of their varieties, degrees, and gradations." Irish Debates, vol. xii. p. 135, 18th Febr. 1792. Of Sheridan, then member for Charlemont, see Hardy's Life of Lord Charlemont, vol. ii. p. 316—320.

[*] March 4, 1793. Irish Debates, p. 363.

Such demands we must be prepared to hear and to meet. Let us not suppose, that by granting the present claims on the scale urged by the advocates of the petitioners in this House, we shall satisfy them:—Sir, that scale will not satisfy the Roman Catholics of Ireland; at least it will not satisfy their leaders: and if our object be the pacification of Ireland, in that object we shall be as much disappointed when we have granted the present demands, as if we did nothing. If conciliation be "nine-tenths of the divine value of the measure," according to a speech which I heard from an hon. and learned gentleman three years ago, you will never attain more than the odd tenth of such value, whatever that may be. By the system now proposed, you will do nothing but arm discontent with power. Grant not, then, the present claims, unless you are prepared to grant more; grant not the political power now demanded, unless you are ready to grant in the following year that which will remain. Consider what is the expediency of granting power to those, who tell us at once—if their language did not tell us, their conduct is loud-tongued—that they will not be satisfied with that power. If then you are still to leave the Roman Catholics dissatisfied and discontented, for what purpose have you made the Protestants also dissatisfied and discontented? Mr. O'Connell states, that he, as an individual, would never be satisfied with emancipation alone:* and Dr. Doyle told us four years ago, "that the excess of the Establishment in Ireland must be corrected:"—"this mammon of iniquity in the hands of Churchmen."† And he says, significantly, that "emancipation will not remedy the evils of the tythe system."‡ Mr. O'Connell, indeed, in a speech revised by himself, speaks of the legislature of England as "a foreign parliament."§ These harangues have done more harm to the cause of the Roman Catholics than any opposition elsewhere: they are not the speeches of individuals only, but they have been stamped with delegated authority by the resolutions of different aggregate bodies of their countrymen. Thus, at the general meeting of Catholics in the county of Clare, it is said that Mr. Shiel (the House will recollect enough of his speeches last year, to spare me the trouble of quoting them), "Mr. Shiel deserves the confidence of the Irish people."* At the meeting at Drogheda, the Roman Catholic Archbishop and Primate, Curtis, in the Chair, it was "resolved, that Daniel O'Connell, esq. and Richard Shiel, esq. are entitled to our grateful thanks, which are hereby given to them."† Nor is this sanction given to Mr. O'Connell by Irish Roman Catholics only: I grieve to say, that the British Roman Catholics, who, up to a late period, have conducted themselves with temper and discretion, departed, July 26th, 1826, from their former prudent course, and at a meeting, Charles Butler, esq. in the Chair, passed a resolution of "thanks to Daniel O'Connell, esq. for his zealous and efficient services to the Catholic cause." In this way, Sir, the Roman Catholics of the empire have unhappily adopted the violent sentiments of those whom they thus hold forth as entitled to their public gratitude; and have to blame themselves and their advocates only for the hostility of public opinion against their cause. I cannot but see symptoms of the deep, growing, and enlightened, hostility of the people of this country to this question; of its literary men, largely; of its gentry in a considerable proportion; and generally of the middle orders,‡ in whom pre-eminently in England reside the strength and the principle of our institutions. One of the weapons with which we are assailed is the use of "great names," not one of whom, perhaps, would have agreed with the other, in the point of concession to which they would go, or in the securities which they would require. Another weapon, is "the advance of the cause in society:" and we are taunted with the holes and corners to which bigots and bats are driven: but so long as a large majority of the House of Lords, and a nearly equal division of the House of Commons, shall resist the concession of these claims, so long am I entitled to state that the higher orders are against them; so long as I see the opinions of the great bodies of the Church, and of the country gentlemen of England, opposed to these innovations—so long am I entitled to say, that the most influential classes are against them.

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* "When the question for going into the committee on the Roman Catholic Claims was carried in the House of Commons, I remember (said a friend of mine in a letter to me from Ireland) congratulating a highly respectable and intelligent Roman Catholic priest, on the prospect now before him. His reply I never can forget: 'I see no cause for congratulation. What will they give us,—a few seats in parliament, &c.? But will they make a Roman Catholic lord Chancellor? or a Roman Catholic lord Lieutenant? can we expect to see a Roman Catholic premier? No, Sir, while they hold back such things from us, it is not emancipation, and we ought not to accept it from them.'"

† If every state ought to establish the religious sect which is the most numerous, the establishment, so elected by the state, may vary every year, or with every parliament. The true principle appears to me to be this, viz. that the governing powers of a state, being responsible to God for the well-being of the people committed by Him to their charge, should give to that people such facilities of education and of worship as they, the governors, think to be most consistent with truth and wisdom; leaving to the people to choose, as they will, any other modes either of instruction or of religion.

* Dublin Evening Post, Dec. 6, 1826.

† Letters of J. K. L. p. 35.

‡ Letter to Mr. Robertson, in Letters on the Re-union of the Churches, p. 47.

§ Speech on Church Rates, 1827, p. 12. It is no more "foreign" to Dublin, than it is to Cornwall or to Cumberland. The whole passage is this: he is speaking of the Church-rate Bill — "In fact, this Act was stolen upon us by the means of that ignorance of what is going on in a foreign parliament, which that most mischievous measure, the Union, necessarily produced."

The hon. member for Westminster addressed to us, in passing, an argument *ad verecundiam*, when he alluded to the policy of foreign States, in employing their subjects of every religious sect, without distinction, in the public service. The House has indulged me with a patient hearing so long, upon this great question, that I hardly know how to trespass further upon its attention; but this point is one of so much importance, that I venture to advert to it before I sit down.

The argument *ad verecundiam*, by which, looking at the liberality of "all other Protestant States," as the case is described, we are to be shamed into a concession of the demands of our Roman Catholic countrymen, as if it were equally

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[*] Dublin Evening Post, 22nd March, 1828.

[†] Dr. Phillpotts has quoted the unanimous thanks of the Meeting at Ballinasloe, (present "His Grace the Catholic Archbishop of Tuam in the Chair,") to Mr. Shiel, "the pride and bulwark of his suffering fellow-countrymen."—Phillpots' Letter on the Coronation Oath, 1828, p. 201.

[‡] Edinburgh Review, vol. xlvi. p. 253. "The friends of the Catholics have, indeed, too long kept out of sight the real difficulty which impedes the progress of all measures for their relief. There has been a nervous reluctance—perhaps a natural unwillingness, to approach this subject. Yet it is of the utmost importance that it should at last be fully understood. The difficulty, we believe, is neither with the King nor with the Cabinet—neither with the Commons, nor with the Lords. It is with the people of England; and not with the corrupt nor with the servile, not with the rude and uneducated, not with the dissolute and turbulent — but with the great body of the middling orders; of those who live in comfort, and have received some instruction. Of the higher classes the decided majority is beyond all dispute, with the Catholics. The lower classes care nothing at all about the question. It is among those whose influence is generally asserted for the most salutary purposes—among those, from whom liberal statesmen have, in general, received the strongest support — among those who feel the deepest detestation of oppression and corruption, that erroneous opinions on this subject are most frequent.

* * * "They think as the most enlightened men in England thought seventy or eighty years ago. Pulteney and Pelham would no more have given political power to Papists than to Ourang-outangs."

unjust in all ages, and unfashionable* in the present, to keep up any political distinctions on the ground of religion, is founded on the assumption, not merely that the fact is so, namely, that all other Protestant States do admit Roman Catholics to equal civil privileges, but, above all, that the situation of the British empire is, interiorly, the same with that of the several States brought forward as examples; and therefore, that it is as wise and safe for her to pull down all those barriers, which all men admit were once necessary for her, as it is for the other States in question, not to erect them.

The newest authority to which, on this subject, the hon. baronet (sir F. Burdett) referred, is the pamphlet of a friend of mine, Mr. Gally Knight.† When I say that this work was published immediately before this discussion, and therefore I presume with a view to influence it, I mean not by such a statement, either to deny the merit of the execution, or to impeach the fairness of the principle. Any clever man may write a clever book, at any time, on either side, without blame. I refer to the fact now, only because the hon. baronet, not content with quoting Mr. Gally Knight's work so published, insinuates it as a charge against a writer on the opposite side (Dr. Phillpotts), perhaps the first controversialist of the day on these subjects, that, under similar circumstances, he has published this year, as well as last year about the same period, a work on the same question, and equally intended to enlighten our judgments upon it.‡

Mr. Gally Knight assumes in his pamphlet that "England is the most illiberal of all civilized countries;" and, to the same effect, a noble lord states, I think in his letters to the late sir George Lee, that the only exceptions in Europe to universal toleration are Spain, Turkey, and England; and that, therefore, it is with Ferdinand the 7th, and the Grand Seignior, that Great Britain must be content to run the race, and divide the prize, of bigotry: that, in short, no other States profess to found on the religious distinctions of their subjects any claim on the one hand, or any impediment on the other, to the attainment of civil honours.

Sir, I deny the fact: though even if I admitted it, I could easily shew that it is of no use in the argument, unless the circumstances of the several countries shall be precisely the same with those of the United Kingdom.

It is true, that at the Congress of 1815 the old laws in the several States composing the Germanic body were altered, as stated in papers before this House, and as repeated by Mr. Gally Knight: but to this day the religion of Sweden is Lutheran:* and the laws in Sweden, against persons of a "foreign religion" appear, by the papers on the table of this House,† to be very severe. In respect to one provision, there seemed in 1809 to be some relaxation; but it is immediately followed by this rule, "such only as profess the true Evangelical Creed" (I read from the Supplementary Papers of 1817) "can be appointed to be Ministers of State, Counsellors of State, Counsellors of Justice, Secretaries of State, Men in all Civil Offices, and Judges within the Kingdom." And in the following year, there appeared another regulation from the Diet, established by the king and States-general, "Persons professing any other doctrine than the Reformed one, cannot be adopted as Members of the Diet; but the right of Election cannot be refused to those who are Christians."‡

Now, Sir, as to Denmark. From a paper drawn up by the celebrated Schlegel, and transmitted to lord Castlereagh by

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* To prove that our conduct in endeavouring to check the power of the Roman Catholic Church is not condemned universally on the continent, I might quote more than one opinion, even of enlightened members of that Church, who are jealous, and justly jealous, of the court of Rome. I will quote one only from a Frenchman who held office under Napoleon, and was, when he wrote, in office under the Bourbons. He writes thus to a friend who holds the opinions which I do—"vous n'y avez pas émis une seule opinion sur l'esprit de la cour de Rome, que je ne partage entièrement, tous les faits récens prouvent que non seulement cet esprit est le même qu'avant 1789, mais qu'encore il se fortifie, et cherche très activement à étendre son influence."

† Foreign and Domestic View of the Catholic Question, by H. Gally Knight, Esq. 1828.

‡ Letter to a Layman on the Coronation Oath, 1828.

* Charles John the present king, was compelled to conform to the Lutheran Church on entering the country.

† Supplementary Papers, 1817, p. 41—43.

‡ Eighteenth Section of the Regulation dated Stockholm, February 10th, 1810. Supplementary Papers, 1817, p. 43.

Mr. Foster, then the king's minister at the court of Copenhagen, that gentleman draws this conclusion, which I will read from his despatch: "From this paper it appears, that the laws of Denmark prohibit the Roman Catholics generally from exercising their religion within the kingdom, and that, whatever liberty of worship particular communions of men may enjoy, exists in virtue of special favours conferred upon them; in Holstein, by the ancient Sovereigns of that country, which were afterwards confirmed by the kings of Denmark; or in Denmark itself by the Danish Crown, out of regard to the French and Austrian Missions."*

Denmark, it is true, is an almost absolute monarchy; and perhaps the sovereign who to day prohibits the Roman Catholic worship, may to-morrow call a Roman Catholic to his councils, having always the uncontrolled power of dismissing him the next day: but in a small and free state adjoining Denmark, the state of Hamburg, there appears, when the returns which I quote were made to this government, to have been in 1816 the same system of exclusion, which our new authorities tell us, is confined to Turkey and to Spain.

"The right of public exercise of religion, as also the rights of the dominant Church, remain solely reserved to those who profess the Evangelical Lutheran religion; also especially in civilibus, and namely for the faculty of places of honour in this place, burghers, collegiis, officiis, services of the town, and whatever else may be in this way."†

"The subjects of the Crown of Portugal," says Mr. Chamberlain in his despatch, "must be Catholics, at least outwardly: they are not permitted to be otherwise.

"Foreigners of different persuasions are not molested on that account; but with the exception of British subjects who, by the treaty of 1810, are permitted to have chapels and churches, under certain restrictions, they have no right, nor would they be permitted, publicly to celebrate divine service."*

Now to revert to freer states: let us look to Switzerland. In the Roman Catholic Cantons of Switzerland, with the exception of Soleure, and a late addition to Fribourg, the Roman Catholic religion is the exclusive religion of the State. Even in the democratic Cantons, the cradle of Swiss liberty, "the Catholic faith is the exclusive religion of these Cantons, none other is tolerated."†

I will not state to the House the condition of Protestants, as such, in Italy. I have already proved, I trust satisfactorily to the House, that the assertions lately hazarded in respect to the conduct of "all the civilized powers," ought to be abundantly qualified. Admitting, however, for the sake of argument, that there are no exceptions to the correctness of this general proposition, and conceding what I never will concede, that the authority of other states ought to be brought forward to influence us in a matter of domestic policy; I contend that the distinction between the cases is sufficiently great, to render that measure very dangerous in Great Britain, which may be safe if not salutary in Prussia.

Though I will confine myself chiefly to Prussia, on which most stress has been laid, I will ask, in passing, whether the king of the Netherlands did not banish the bishop of Ghent, the prince de Broglie, for some part of his ecclesiastical conduct; and whether the king of France did not prohibit another bishop from circulating one of his mandemens;* and whether if the king of England were, however wisely, advised to attempt any such remedial process upon Dr. Doyle, or Dr. Mac Hale, as a mere prohibition of a mandement, there would not be such a clamour, about rights of Englishmen, and right of conscience, as is now raised about emancipation?

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* Report (1816) p. 429. There is an apparent discrepancy between this and the statement given by the bishop of Zealand to Mr. Foster, and printed in Supplementary Papers (1817) p. 40: but the papers furnished by the Danish minister of justice as well as by Schlegel, are strong and distinct, as to the laws against the Roman Catholics.

† Appendix to Report (1816) p. 464.

* Despach from H. Chamberlain, esq., Chargé d'Affaires at the Court of the Prince Regent of Portugal. Rio de Janeiro, October 30, 1816. Suppl. Papers (1817) p. 15.

† Suppl. Papers, (1817) p. 21. In all the cantons in which Protestantism is dominant, the Roman Catholics are free: except, indeed, I think that in Basle they would not be allowed to have monastic institutions, "more particularly," says the authority transmitted by the British minister to his government, "since the Pope, forgetting what he owes to Protestant princes, has re-established the Jesuits, and the Inquisition, and laughs at the liberties opposed to his own ultra-montane principles." I may add indeed that in Appenzel the established religion of each half is exclusive: "no Catholics are admitted into the Protestant division of the canton," p. 32. I remember, two years ago, asking a most respectable man in Zurich, within a day's journey of these "most free of the free states," whether, by the general international law of the Confederacy, the natives of one canton might not settle in any other? He replied, certainly, in law; but, in fact, no Protestant could buy the least land in any of them; and when I urged again the law, he said, the Protestant cantons will not go to war with them to enforce it.

I ask, then, is there no difference between the power enjoyed in Ireland by the Roman Catholics, of bearding the legislature, if not the law, by their association meetings; and the power enjoyed by the Roman Catholic in Prussia, where no public meeting whatever would be allowed?—Is there no difference between a country where every product of the press is free, where all the proceedings of all the incendiaries of Ireland are circulated with impunity; and a country where, if technically there be no licenser, it is sufficiently known and felt, that no work obnoxious to the government can be published with safety?—Is there no difference between a population of six millions, concentrated in one island, with an O'Connell and a Shiel at their head, brandishing their physical force against us, while they urge us to add to it political power; and a population of two-thirds of the number, scattered over an immense area, without any political leader, or bond of union, and without any whisper of an expression of hostile design?—Is there no difference between a country where nineteen twentieths of the property is in the hands of one class, perhaps not the fifth in number; and a country, where the population and the property are nearly equally divided, and where, therefore, it is not necessary to keep political power in one scale, in order to maintain the balance of the other? Is there no difference between a country, where offices of trust and power in corporations are elective; and a country where all magistrates are nominated by the Crown; and where, as Ellys said long ago, "the government need not fear having more persons than they desire, in public posts, of a religion different from the established one:" being themselves *quoad hoc* absolute, "they want no standing laws to keep them out?"*—Is there no difference between a country, the government of which is itself largely vested in an elective body [which body, if the power were granted to the Roman Catholics to morrow, would, in ten years, receive from the popular elections in Ireland, an immense and most influential accession of Roman Catholic members; the Protestants, whether friends or foes, being weeded out one by one]; and a country, where there is no elective body, and no power therefore, except in the king and the law?—Is there no difference between a country, where the king cannot deprive the meanest subject of his liberty, and cannot check the speeches of an O'Connell, or the letters of a J. K. L., except by tedious and perhaps uncertain processes; and a country where, if a demagogue were to rise up, whether layman or ecclesiastic, he would be sent at once to Spandau or to Magdeburg? Is there no difference between a country, the bishops and the people of which, so far as they are Roman Catholics, resist all interference on the part of the Crown with their ecclesiastical appointments, and say that a veto would be death to their faith; and a country, all order and degrees in which, the Roman Catholic and Protestant hierarchies, are equally and willingly subject to the control of the sovereign?

I have now stated the reasons on which I resist the present motion. Let us consider well and deeply to what we are advancing. If I know any thing of the history of the Roman Catholics in Ireland, of their progressive, and still increasing demands; if I know any thing of the history of the Roman Catholic Church, its unaltered and unalterable character; if I know any thing of human nature itself, I am too well satisfied that the Roman Catholics are not likely to be quiet under the present system of civil disabilities.

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* It was said, I remember, that when M. D'Astros, since bishop of Bayonne, who had held intercourse with the Pope after his excommunication of Buonaparte, made his appearance at the Tuilleries, Buonaparte said to him—"I should do well to have you tried and shot within twenty-four hours." I ask not whether the king of England could do or even say this, but whether he could have any redress at all without great delay, some uncertainty, and much popular excitement?

* Ellys' Tracts, p. 120.

Am I then asked why I would continue them? I would reply, that in this, as in every thing else of human growth, or affecting human interests, there is a compromise: there is no pure good, no unmixed evil; there is a compensation; and I believe that more good and less evil will be produced by the continuance, than would be produced by the removal, of the restrictions. If, indeed, I admitted that there was positive justice on the one side, and positive injustice on the other, I would allow no compromise; but convinced as I am, that the Roman Catholics are not urging a demand of justice, that they are asking only that which I may in conscience either give or withhold, I call upon the House to stop here, and to say to the Roman Catholic body, "Thus far shalt thou go and no further, and here shall thy proud waves be stayed." It may not be in our power to replace the Roman Catholic in the same relative position as that which he occupied before 1793, a position, let it never be forgotten, which secured to him the free exercise of his religion, the free enjoyment of his property, and the possession of every civil right not connected with political power: it may not be in our power to bid the wave retire to its former level: it may not be in our power to still the tempest of the people, which is now gathering round us in cold and cheerless howlings: it may not be in our power to preserve the sea-banks, which have hitherto resisted the inroads of these waters: another age may overthrow these glorious ramparts; but let us at least, be true to ourselves; let us at least, never break down the barrier, and open a passage for the deluge to overwhelm that fair domain, in which we have so long enjoyed the blessings and the repose of security and strength.

Let me not be misunderstood: I would not resist the present demands of the Roman Catholics one hour longer, if I could be persuaded either that the concession of those demands would satisfy Ireland; and, while it pacified the Roman Catholics, would not irritate and alienate the Protestants; or that, sooner or later, whether with or without this blessed result, such concession must, in the course of human things, take place. If any prophetic wisdom told me of either of these results, I would, as I have said over and over again, yield at once: anomalous as I believe the constitution would thenceforth become, I would with my right hon. friend, the Secretary of State for the Home Department, incur a change which, by the very terms of the first proposition, would be without a risk: or, by the terms of the second, would be inevitable. In the one case, I would cheerfully, and even gratefully, open the gates to those who now stand without: in the other case, I would only consider the best terms which I could make in the surrender. In either case, I would, when once the barrier was removed, do all which might ever be in my power, to unite the hearts and the interests of all men. But without such authority for the change, and compelled to look to experience and analogy as guides, I resist the claims, because I do not see that to grant them would be to produce a certain, a probable, or almost even a possible good; while, on the other hand, I cannot but fear that I see demands rising upon demands; irritation transferred, rather than relieved; the Protestants of Ireland, weakened and exasperated; the Roman Catholics strengthened, but not satisfied.

The present objects, if granted at any time, would never, I think, have satisfied the Roman Catholics: I am too sure that they will not satisfy them now. No, Sir, the parties are formed: and believing, as with deep sorrow I believe, that the Roman Catholic Association will never cease to agitate Ireland, till, in the great struggle, Protestantism shall be extinguished, and the countries separated; or, till on the other hand, by the awakened energy of the parliament and the people, and their just though tardy sense of their own interests and duties—Popery shall be again humbled, and taught to bear in peace the supremacy of a power, the very existence of which, it would not itself, if triumphant, tolerate, I await the onset where I am: at least I will concede no more power to my assailants: I will put no more weapons in the hands of those who are already collecting all their forces against us. If a foreign war should break out to-morrow, I would not grant to-morrow to the Roman Catholics of Ireland, what I refuse to them in peace to-day. I know the risk of the alternative: but I know and calculate also the risks of the concession: I know that every concession has been met by larger demands in bolder tones: I know that for every step which we have receded, the Roman Catholics of Ireland have advanced with louder outcries: I see that our only human safety is in our own unshrinking firmness:* one step more, and we are prostrate. Believing, then, that in our defeat, the interests of a Protestant Union, the rights of Protestant property, the integrity of a Protestant Church would be sacrificed, I will not yield: relying on the strength, and justice, and sacredness of our cause, I will not despair. On these principles, and with these feelings, I oppose the motion which has in view any further concessions of political power to the Roman Catholics.

Sir *John Newport* said, he could assure the House that he would only trespass on its attention for a few moments. Indeed, he should be guilty of great presumption were he, after all the indulgence which he had received at its hands, to venture upon occupying their time on so important a question at all unnecessarily. He would refrain from entering into the numerous questions which hon. gentlemen had raised upon the construction of the Treaty of Limerick; for he was content to leave it on the argumentative explanation of his hon. friend, the member for Westminster, on the one side, and on the bare and naked statement of the hon. baronet who had just sat down, on the other. He made this declaration with one exception only; and that was, that he was happy to find that the hon. baronet who spoke last was not inclined to follow the precedent of bishop Doppin, who, shortly after the signature of the Treaty of Limerick, had preached a sermon against the faithful observance of it, and had publicly defended the doctrine, that no doctrine should be kept with recreants. The hon. baronet had disclaimed that maxim, and had marked his reprobation of that abominable sermon in the most pointed terms. He would not refer to times so distant as those in which the Treaty of Limerick was passed; but would come at once to the period of the legislative union of the two islands. He rose for the purpose of stating to the House a circumstance, which some who were present would recollect to have occurred many years ago in a former parliament. "I request," said the right hon. baronet, "the attention of the House to what I am going to relate, as I conceive it to be quite conclusive upon this subject. In a debate which took place soon after the Union, on a bill founded upon principles similar to those on which the present motion rests—the House, by-the-by, was then in a committee—I charged the late lord Castlereagh with having broken faith with the Catholics of Ireland, and with having violated the pledges he had solemnly given them, to induce them to assent to the Union. On hearing that charge, lord Castlereagh rose with that indignation which it is natural a noble mind should feel at hearing itself accused of violating pledges which it had solemnly given. I particularly call the attention of the House to the words which I then used: they were, that the noble lord had violated the pledges which he had solemnly given to the Catholics of Ireland. The noble lord disclaimed the imputation I had made against him, and added 'I appeal to my right hon. friend opposite (Mr. Elliot) in confirmation of my assertion, that no pledges were given by me to the Catholics of Ireland.' My right hon. friend, Mr. Elliot, than whom a man of more spotless integrity, never existed, rose and said, 'My noble friend opposite is perfectly correct in what he has just asserted: no pledges were given by him to the Roman Catholics of Ireland.' Lord Castlereagh, as soon as this declaration had passed the lips of my right hon. friend, called out, 'Hear, hear;' on which my right hon. friend addressed himself more particularly to lord Castlereagh, and said, 'My noble friend should hear me out before he cheers; because, if my noble friend means to say, that no inducements were held out to the Catholics, that no expectations were excited in their minds, that no suggestions were conveyed to them either directly or indirectly, that the consequences of the Union, if it were effected, should be concession to the claims of the Catholics, and if my noble friend means to say, that without those inducements, expectations, and suggestions, the Union could have been carried, I am sorry to be under the necessity of differing with him entirely. But I am sure my noble friend does not mean to assert any such thing; for he knows that I was privy to all the negotiations which preceded the Union, and he likewise knows, that it could not have been carried otherwise.' The noble lord uttered not a syllable in answer to my right hon. friend, and thus admitted the truth of my right hon. friend's observations. Let this matter, however, pass, and let us take the Union on its own merits. The hon. baronet opposite says, that supposing lord Castlereagh to have made any such pledges to the Roman Catholics of Ireland, they were pledges given without any consideration. I deny this entirely; I say that consideration was given for those pledges, and I have the authority of the negociator of them for saying so. Every one who knows any thing of the character of Mr. Elliot, knows well that a man of higher honour never existed, and that no one would have been more reluctant to give weight, by a cursory observation, to an unjust accusation. I again say, that a consideration was given; and if you persist in asserting that pledges were given to the people of Ireland, for which no consideration was paid, I persist in telling you that it was not so; for you have the united and imperial parliament of these realms as the consideration. For my own part, I believe, in my conscience, that if a Union between the two countries had not been effected at the precise moment at which it was effected, and if each had had a separate parliament after the treaty of Amiens, Ireland would have ceased to form part of the possessions of the British empire."

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* The language held by some of the Associations for Parliamentary Reform, in 1781, is now almost forgotten. It is worth remembering, to shew that firmness in the government will do every thing necessary to repress political grievances of that class. Even the quiet little county of Huntingdon resolved, "That it be recommended to every housekeeper to have proper arms, such as musket and bayonet, and to be ready and expert in the use of them; to be prepared against all emergencies that may arise from any attack of our many surrounding enemies, or any invasion of our rights and liberties." Ann. Reg. 1781, p. 141.

The Hon. *William Duncombe* said, that entertaining, as he did, a strong and decided opinion upon this subject, and representing, as he did, those who entertained opinions equally strong and decided with himself, he could not reconcile it to his sense of public duty to give a silent vote upon this occasion. It had been stated, during the debate of last night, by an hon. gentleman below him, who had addressed the House with great effect, that although the Roman Catholic religion was still unchanged and unaltered in its principles, he considered it to be greatly modified, mitigated, and controlled by the spirit of the age in its practice. Now, although he was ready to subscribe to the first part of the hon. member's proposition, he could not see any reason for subscribing to the latter. Undoubtedly, the Roman Catholic religion might appear to be mitigated and partly subdued; but, as was well stated by the Solicitor-general, in his unanswered and unanswerable speech, it was only the spirit that was dormant; and whenever a fit opportunity occurred, that spirit would rise from its slumbers with ten-fold energy. And here he could not avoid alluding to a paragraph contained in the petition he had presented against the Catholic claims from the corporation of Leeds, declaring that the Roman Catholic religion had undergone no salutary alteration, either from the effect of surrounding improvement, or of dispassionate inquiry. If any alteration had taken place in the doctrines of that religion, it behoved the professors of it to make that alteration known in a declaration, authorized by the great bulk of the Catholic body. He was afraid, however, that *semper eadem* was more the maxim of their religion than it was of our jurisprudence. He had heard it said, that you could pluck more easily a beam from the sun, than a particle from the system of the Roman Catholic religion. If such was the assertion of the Catholics themselves, the House had no reason to believe that any change had yet occurred in the system which they dignified by the name of religion, but to which he should rather apply the title of superstition. He would frankly confess, that the speech of the hon. baronet, the member for Westminster, did not appear to him to contain much novelty, in point of argument or of facts. The hon. baronet had entered at great length into the merits of the Treaty of Limerick. He should not follow the hon. baronet into that discussion, because the question had been considered not only last year, but in the course of the present session; and it appeared to him, that all the arguments which the hon. baronet had raised upon the treaty had been most satisfactorily answered. It was idle to say, that those who framed that treaty intended to give to the Roman Catholics a participation in all the civil privileges of the state. They must have been most singularly deficient in the knowledge of language, if they intended, by the words which they used, to admit Roman Catholics to the participation of political power. There was another topic on which the hon. baronet had delivered his sentiments at great length; and that was, the means by which the union with Ireland was effected, and the opinion which Mr. Pitt had expressed as to its results on the Roman Catholic question. Now, if they were bound to consider Mr. Pitt's conduct at the time of the Union, and also of his resigning office, to be favourable to the claims of the Catholics, surely they had a right to infer from his resumption of office, that he had not entirely made up his mind as to the way in which it was to be granted. He left us in a state of considerable uncertainty as to his ultimate intentions: but on one point he left us in no uncertainty. He never argued the question in the way in which it was now argued. He said he would never grant Catholic Emancipation, without receiving the fullest securities for the Protestant establishment; whereas the hon. baronet said, it appeared idle to him to talk of any securities.—He would now advert, for one moment, to the coronation oath. He must say, that notwithstanding the eulogy passed by the hon. member for Westminster on the earl of Liverpool, for avowing that that oath could not stand in the way of emancipation, it appeared to him to be highly improper in any one to make light of an oath, and to put upon it a meaning so very different to that put upon it by those who were placed in the highest situations. The construction which George 3rd put upon it was well known. "I am ready," said that magnanimous sovereign, "to lay my head on the block, if need be, for the benefit of my people, but I never can consent to violate the solemn oath which I took at my coronation, by making these concessions." He trusted the House would reject this motion, and show by their vote that they were the representatives of the feelings and opinions of the large majority of the people.

Mr. *Villiers Stuart* said, he was ready to take up the mode of discussing this subject which had been suggested by the hon. gentleman opposite, and was accordingly prepared to do so without reference to the principle of abstract right, and merely upon the point of expediency. Agreeing, therefore, on this basis for the argument, he desired no more remote reference than the act of Union furnished in support of the view which he was prepared to take of this question. Among the great variety of feelings and opinions which prevailed in Ireland, with reference to her moral and political condition, there were none upon which it was more desirable to fix the attention of this country, than those that were connected with the undoubted anxiety so generally known to prevail in the sister kingdom for the repeal of the act of Union. If, therefore, it was the wish of the government to cherish and nourish such a feeling, they could not take a more certain course to promote that purpose, than by showing the people of Ireland how little they had to expect from the imperial legislature; for such a purpose they could adopt no better means than to show forth the act of Union as an instrument, by which England had been, and still was, enabled to resist the clearly expressed wishes of the Irish nation, and to blight the hopes which had once been so sedulously cultivated, of a very different consummation of the international alliance. If this remained to be done by a vote of that House, as constituted since the Union, what had the Irish people to expect from the connexion to which they had been so long and so confidently referred? But as it was notorious that the wishes of the Irish people, as expressed by a large majority of their own representatives, were prevented from being successfully realized by a majority of the English members, who could only so interpose, by the opportunity which the act of Union alone furnished them, he was bound to denounce, in behalf of Ireland, the manner in which that solemn act of the imperial legislature had been, in its practical operation, made subservient to the views of those who were prepared to defeat the Catholic question, when it was notorious that one of the great and influential means resorted to for carrying that act of Union, was a pledge, express or implied (he believed expressed, though he cared not which) that that question should be set at rest by speedy concession. Was it since the solemn enactment of the Union that the legislature could question its wisdom, alter its principle, and limit the extension of its operation? If, as he believed, it had been the object of the framers of the Union to promote a community of rights throughout the kingdom, to diffuse common privileges and common benefits, there were no words adequate to express the blessings and advantages which must have flowed to both countries from the realization of so beneficent a principle. Upon the fact of that being the intention of the framers of the act of Union, it was impossible for him to entertain a doubt; but how had that intention been acted upon? Looking at the result, judging of the effect of the measure, was it not obvious that the original view was soon lost sight of, and the wise and expressive words of the preamble of the act permitted to remain a dead letter. What was the preamble of the act of Union? It was this—"Whereas, in pursuance of his Majesty's most gracious recommendation to the two Houses of Parliament in Great Britain and Ireland respectively, to consider of such measures as might best tend to strengthen and consolidate the connexion between the two kingdoms, the two Houses of the Parliament of Great Britain and the two Houses of the Parliament of Ireland, have severally agreed and resolved, that, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power and resources of the British empire, it will be advisable to concur in such measures as may best tend to unite the two kingdoms of Great Britain and Ireland into one kingdom, in such manner, and on such terms and conditions, as may be established by the acts of the respective Parliaments of Great Britain and Ireland." What had been done "to strengthen and consolidate the connexion between the two kingdoms," to promote the "strength, power, and resources of the British empire?" He would fearlessly appeal to the House itself, and ask, whether they could at that moment say, that the representatives of the two countries were now concurring in the best way of giving effect to the recital of this preamble? Was it by dividing against and opposing each other upon points of national principle and feeling, they were strengthening and consolidating the connexion between the two kingdoms? Did any man think that this happy consummation was merely to consist in transporting a hundred Irish voters from College-green, in Dublin, to an English House of Commons? Did any one imagine that Mr. Pitt, in 1801, thought this removal was alone sufficient for realizing his just intentions, or that a statesman of his mind could imagine, that the best mode of uniting and knitting together the two countries was by putting their respective representatives into direct collision upon important questions in the imperial parliament? If that were to be called Union, it was one at least in which harmony formed no ingredient; and Ireland had the bitter regret of knowing, that had she withheld her generous confidence from the British government, her own voice might still be raised in her own legislature, where the voice of England could not be heard to drown her cries for relief, and deny the boon for which she so ardently supplicated. Was there in the history of the Irish parliament a single instance in which (though sometimes with equivocations and delays) the appeals of the people for relief were eventually and permanently refused and disregarded? Was there even an instance where England, in despite of her pretensions and asserted rights, was enabled finally to counteract the movement of the Irish parliament to redress the wrongs of the people? Not one could be found in the page of history, beginning with the contests in the early part of last century upon manufacturing prohibitions, going down to the debates of 1753, upon appropriating the surplus of the Irish revenue, and ending with the memorable declaration of Irish independence in the year 1780. He would repeat, that at no period had Ireland asked relief when she had her own parliament, without ultimately having had her claims allowed. Concession invariably followed discussion; and so far back as the reign of queen Anne, Primate Boulter had declared, during the tumult about Wood's half-pence, that unless concession were speedily given, Ireland would be estranged from England. So long as Ireland possessed an independent legislature, concession however tardy, however reluctantly yielded, would be always found to have followed in the wake of national demand. Such a state of things, however, only applied to the period before the Union. Since that time the appearance of her fate assumed a very different aspect. If, unfortunately, this lamentable alteration was attributable to the Union, which had promised so different a result, what must be the feelings of the people who found themselves the victims of such misplaced confidence? Was it the interest of England that Ireland should be so placed—that when the Union was held out to them as the means of feeding their industry with British capital, as an inducement for obtaining their confidence—they should in the end find nothing but a series of the most mortifying disappointments? And these, too, to arise out of the delay of settling one great national question, which, while kept in abeyance, rent and divided the two countries, and withheld all hopes of diffusing peace and concord throughout the Irish community. Upon no other question had there been such an intensity of feeling excited; and there could be no doubt that, were the Irish parliament still in being, this bond of peace would have been long since cemented, and the subject not left, as it unfortunately had been for twenty-five years, a source of disquiet for the community. The time must come, when these unhappy differences would cease, and when all opposition to this question must be withdrawn. But with what grace would this cessation be accomplished? The time was, when the concession would have been hailed with gratitude, but he feared the opportunity for that desirable consummation had passed away for ever, and given place to different feelings — when the question must be surrendered ungraciously—when the Catholics would take what they felt to belong to them, without regard to the slow surrender of the act, and at the same instant tauntingly complain of the injustice of their adversaries, at so long withholding the implied, if not expressed, condition of the bond of Union. Was it expedient to force these reflections upon a sensitive and indignant people? Was it expedient, when emancipation was known to have been promised by Mr. Pitt, when, with the mind of a great statesman, he sought to heal national discord and erect a temple of peace, that those who professed to be his followers should employ themselves in crumbling away his superstructure; and, with a strange inconsistency, in attempting to persuade others, that they alone were the genuine admirers of the departed minister, while they were marring his promises and defacing his work? Far different was the aim of Mr. Pitt in negociating the Irish Union. He felt that by liberal treatment the amalgamation of the two kingdoms might be rendered complete. As a philosopher and statesman, he knew that as it was the property of water to seek the level of its fellow elements, so it was in the nature of the subjects of the same free State, to seek the level of their fellow people, and it was a principle of both to struggle until they had attained the level of perfect equality. He knew that the bubbling, and boiling, and gurgling, of the popular torrent ceased, as did the natural one, the moment that fair level was attained; and that the popular element, then commingling in the calm security of the same serene unruffled surface, became settled and subsided: so was it in the moral world, so it was between the two countries, and so must it remain, as long as the one enforced a superiority of privilege over the other, and arrayed Protestant England against Catholic Ireland. So long as these excitements were unjustly upheld, jealousy, strife, and distrust, must prevail, through a people, who were denied their civil rights; and this, because they had too implicitly confided in English honour, English justice, and English policy. What peace could be hoped for in Ireland, as long as England withheld the promised advantages of her connexion? An advantage, indeed, had been acquired by England; but it was an advantage unfairly obtained by one party exercising power over the other. To every contract there were two parties. Was not the fair meaning of the contract of the act of Union this—"If you will co-operate with me, I will, on the other hand, undertake to emancipate you?" Otherwise what interest had Ireland in the arrangement? The Irish were a people shrewd to a proverb. Was it probable they could be brought to make a bargain, by which they were to lose all they had, and obtain nothing in return? What was the general foundation of the act, but the reciprocal advantages which it held out to both parties? What advantage could Ireland derive from it, but Catholic Emancipation, and the admission into British rights and privileges? The non-fulfilment of the British share of the contract left Ireland in an infinitely worse situation than she was in before the Union. The language used at the time, and the inducements held out, were the harbingers of concession. Were not the people of Ireland told that they would grow rich and prosper, by British connexion—that their poor would find employment—that they would obtain new scope for commercial enterprise? Was not the contrary of all this the fact? What capital had been sunk among them—what employment had been provided for their suffering poor—what confidence had been inspired by British connexion? And why had not England embarked her capital in Ireland? Security was the only condition on which that capital could be obtained, and security was incompatible with discontent; and discontent was the companion of civil strife, which could be only got rid of by conceding this motion. How different was the present condition of Ireland from that which she enjoyed when she had a resident nobility, when her capital was expended on her own internal improvement—when her agriculture and manufactures were nourished and diffused—when her moral and political condition was superintended by her resident gentry. When she lost these, see of what she was deprived; and could there be a shadow of doubt that, were the option now given her, she would say, "Give us Ireland as she was before the Union, or grant us the fulfilment of the conditions upon which alone you had our consent to that measure?" Ireland well might say, call this Union if you will, it is the Union which Petruchio gave Catherine, when he exclaimed—

> "Thus have I politicly begun my reign,
> And 'tis my hope to end successfully:
> My faulcon now is sharp, and passing empty;
> And till she stoop, she must not be full gorg'd."

Exactly in this spirit had Ireland been treated by this country, and in this spirit, and with this policy, after dashing to the ground the hopes we had raised, did we turn round and say—"Nay, good sweet love, be merry." And yet the people who wedded Ireland in this happy disposition for connubial bliss, turned round and declared that they would not be overawed by Catholic demagogues, that they scorned the intimidation of factious menaces, while they in reality encouraged the one, and gave force to the other, by the unwise provocative of their own absurd and impolitic distinctions. He knew that some intemperance had prevailed in Ireland; but how ought that to be met? Why, as Mr. Burke had truly said, "if, while a man is dutifully employed in soliciting a favour from parliament, any other person should improperly choose to support his cause, and that that impropriety should necessarily destroy the object of the petitioner, then not only is the reasonable applicant but the legislature itself in the hands of any weak enemy, or insidious opponent." But he trusted, that this great question would be decided, not by the merits or demerits of its advocates, but by its own intrinsic claims to acquiescence. If it was decided in the affirmative, no long time, he was confident, would elapse, before, as one man, the nation would find reason to condemn the present system of policy. That system might afford matter of complacency and congratulation to the venal and unprincipled monopolist, the furious bigot, the mischievous enthusiast, the designing rebel; but every man who knew the true interests of the two countries, the real benefits of an honest and substantial Union, and the mode in which Ireland might be best conciliated and most rapidly improved—every man who had watched the progress of past events, and saw the present prospect of affairs—who could draw present conclusions from past history—who remembered what, for years, had been the watch-word of rebellion, would join with him in reprobating the existing system. A truce then to these needless and odious distinctions in the same free state. Let us place Protestants and Catholics on the same footing. Let us communicate to them equality of rights, equality of privileges, and we should see the whole Irish people cherishing an equality of affection for that constitution, in the welfare of which they felt an equality of interest. Then would the division between the two countries be marked as a mere geographical distinction; then would the hearts, minds, and affections, of both nations, be united in an infrangible bond of moral union; and then, but not till then, we might safely throw down a bold defiance to surrounding nations, and exclaim in the concise but energetic language of the motto of the Order of St. Patrick, "Quis separabat nos?"

Mr. *Leslie Foster* began by asserting, that he was no Orangeman, belonged to no party, and had never been at a public meeting where this question had been discussed. He saw a specific danger in the proposition of the hon. baronet; and he had not yet seen, nor been able to understand, what preservative was intended. It was now nearly twenty years since he had first resisted the claims of the Catholics, who required political power and to become agents in the constitution of the country. The statements he had then made were, by many, considered visionary, and especially the anticipation in which he had indulged, that the time would come when the Catholic clergy would be seen exerting their influence at elections. His fears had been verified, and at an earlier period than he had ventured to predict; for at the last election, the priesthood was actually in collision in order to loosen the tie subsisting between landlord and tenant. It was said, that this condition of things was merely temporary; but perhaps he might be allowed to suggest, that formerly it was asserted to be impossible. The possibility had been proved, and whether it would be temporary remained to be seen. The hon. gentleman who last spoke, had said, that in the moral, as well as the physical, world, these floods would find their level, and the agitated elements would settle in peace. Now, if he could persuade himself that the consequence of emancipation would be tranquillity, he would vote in its favour. But because he was convinced that no such consequences would follow; because he was satisfied that concession would only lead to fresh irritation, he was bound to persevere in the resistance he had always given to it. It was said, that if emancipation were granted, the property of the Roman Catholic aristocracy would find its legitimate influence, and that they would become the representatives, and the only representatives of the Catholic Church.—If he thought so, he would be the last to object to the introduction into parliament of a moderate number of such individuals. But he would state what he conceived would be the result. If emancipation were conceded, no doubt, what was now called the Catholic Association would be dissolved; but, as surely it would soon be revived under some other name: it might be called "a society for the Improvement of Ireland," or "a society for the Dissolution of the Union," or, perhaps, "a committee for regulating Education." But in all essentials it would continue the identical Catholic Association, furnishing a sort of lay executive for the direction of ecclesiastical affairs. The Catholic clergy and the Catholic Association well understood their mutual importance, and upon this point he might quote the undisputed authority of the hon. member for Kerry: they would act with one soul, and co-operate for general Catholic interests in Ireland, to the exclusion of all others, and wanting nothing but one central and directing mind. So long as it continued the natural desire of the Catholics of Ireland to endeavour to make what they considered the most sacred of all causes triumphant, there never would cease to be a repetition of these associations. What was the practical consequence of this state of things? At every election, there would be candidates standing on that principle. There would, again, be the same inducements held out to the electors, the same influence exercised over them, and the same spirit of interference and denunciation on the part of the priests, that had taken place before. The Catholics would again be told, that the interest of their Church was at stake, and they would be asked "Will you vote against your religion?" It was said, that the natural leaders of the Catholics were the gentlemen of property among them; but he did not believe there were enough of these to fill up the ranks of the phalanx who would be arrayed in support of the Catholic Church. The present members would, perhaps, be returned at first; but if they ventured to express their disapprobation of the conduct of the priests, or opposed themselves in any shape to the peculiar interests of those who sent them to parliament, they would become more obnoxious than even the best friends of the Protestant Church; because, as had been well said by the Solicitor-general for Ireland, they would be required to be the unreasoning and obedient instruments of the Association, to whose factious influence they owed their return. He was aware that a great difference of opinion existed as to the power which such a body, thus sent, would possess in this House. It was said—"Suppose there were a hundred Catholic members returned, do you think they would have sufficient power over the House of Commons to vote away the existence of the Church Establishment?" Certainly not, if they proposed to do so in direct terms; but the citadel might be taken by stratagem, thought not by storm. They could go on, step by step, until they had by indirect and covert means accomplished that which could not be effected by direct and open force. The right hon. member for Newcastle (Mr. Wilmot Horton) had lately suggested a plan, which he was surprised had not been more noticed. He had proposed to prevent that part of the phalanx which might be in parliament from giving their votes on any question relative to the Established Church. He believed, however, that his right hon. friend would shrink from pursuing his own principle to those legitimate consequences, which, if his right hon. friend was content to go so far, would afford some species of security. He presumed his right hon. friend would not prevent the Catholic members from speaking on any question, nor from presenting petitions against Vestry bills and Tithe bills, and other bills relating to the Established Church. He would ask his right hon. friend, then, if the Catholic members were left free to do these things, and were afterwards ordered out of the House, when a division took place, whether every argument as to the degradation of the Catholics under the existing laws, now used in the Irish Association, would not be applied with tenfold force to persons in so unfortunate a situation as these Catholic members would be? But the security would be inefficient. These members would propose measures which would not go directly to weaken the Protestant Church in Ireland, but to confer power and authority, wealth, revenues, and influence on the Roman Catholic Church—by far the most likely way to accomplish their ultimate object, the overthrow of the Protestant establishment. If all the precautions were taken which the wit of man could devise, the Protestant Church would still be in danger; but there was one most important consideration, to which he could not shut his eyes, and that was the influence that would belong to a large party, and which might be more effectually exercised out of the House than in it. Times might arise when, upon great and important questions, parties in that House might be nicely balanced. Suppose, that at such a critical conjuncture, this Catholic party should wait upon the minister, and represent to him, that the Catholics expected to be relieved from the payment of church rates, suggesting at the same time, that they had not made up their minds as to how they should vote in reference to the Corn-bill, or whatever other particular measure happened then to be before the House of Commons; would not their representations and their influence weigh much with a minister thus situated? Might not this party select the Canadian or the West Indian question, and thus make it subservient to their particular views and purposes? He would suggest to the hon. gentlemen opposite, who were now occupied with a certain great and wonderful proposition, whether such a party might not say, that though they had a great objection to the paying of tithes, they had none at all to a lieutenant-general of the Ordnance? [Hear, hear.] The truth was, that the result would be the existence of two established churches in Ireland, one possessing all the authority, all the revenues, and the influence belonging to a real establishment, while the other would only continue in possession of the name of an establishment, and the appearance of its authority. Such a collision, which would thus inevitably follow between the Catholic and Protestant churches in Ireland, would excite increased turmoil and dissension, and instead of those prospects of peace held out by the advocates of this measure, the state of Ireland, on the contrary, would become infinitely more disturbed and distracted than it was at present. He was aware of the pains taken by some hon. gentlemen to establish the proposition, that the state should be totally indifferent as to the religion of its subjects. But that was not the law of England It might be a good principle for adoption; but, as yet, no lawyer had been found to assert that it was in accordance with the constitution of England. Ever since this country had been a Christian state, the constitution had been decided with regard to the importance of religious opinions; and he trusted we should continue to have it so, as long as we aspired to the character of a Christian nation. If any individual pretended to hold two systems of religious belief, essentially opposed to each other, we should all know what opinion to form of such absurd and inconsistent conduct. The same principle applied to the constitution of the country. If the law was to recognise two religions essentially opposite to each other; if it established and supported them both, a shock would be given to the religious feelings of the country, and a degree of excitement produced, which that House could not anticipate. He cautioned them, therefore, against sacrificing solid principles at the shrine of expediency. He did not ask them to shut their eyes wholly to considerations of expediency in political affairs; but he could not help declaring, that he believed it was the specific vice of our time to make expediency everything, and principle nothing—

"Sed te
"Nos facimus, Fortuna, Deam, cæloque locamus."

It was asked, whether we had not an established religion in Scotland, different from that of the Church of England? He had heard it insisted upon in argument, that there was a greater difference between us and our Protestant dissenting brethren than between the Church of England and the Church of Rome. Though he was averse to enter upon a theological question, he thought it extremely useful that the House should understand how small was the distinction that separated us from the sister Protestant Church of Scotland. It had happened to him, in the execution of his duty as a commissioner of inquiry concerning Education, that he had asked an eminent minister of the Church of Scotland, his opinion of the articles of the Church of England. The answer of the reverend gentleman was, that as to three or four of the articles relative to the nature of the church government, he totally dissented from them; but as to all the rest, excepting one, he embraced them, as containing the essence of religious truth. "They exactly express my own feelings," he said; "and as to the one to which I object, it is, I am aware, suceptible of two meanings, one of which expresses mine also." That was a pretty fair degree of religious agreement. With regard to the two great denominations of Dissenters, the Independents and Baptists, he had put the same question to their ministers, and had obtained a similar answer. Therefore, he contended, there was nothing anomalous in our upholding the established religion of Scotland, as well as our own church in England. There was no difference, except as to the respective forms of church government; which were in each country such as were best suited to the feelings and habits of the people. But the case was widely different with respect to the Church of Rome. He felt that he should not discharge his duty if, when he heard it asserted, that there was no difference between that church and our own, he did not protest against the doctrine. Nothing appeared to him so totally irreconcileable as the two systems of the Church of Rome and the Church of England. The difference amounted to this, that one or the other was an awful perversion of all that was vital in the hopes of a Christian. Nobody in that House could doubt to which side the balance of right inclined; but he would contend, that it was contrary to all principle and all law, and would be a shock to all ideas of religious truth, if the legislature were to treat as indifferent the establishment of two such systems in one and the same country. One argument against the present proposition was, that it would necessarily lead to this result—he would not say that the Protestant Church would be abrogated, or abolished in Ireland; he had no such apprehension; but he was afraid that all that substantiated our establishment—its wealth, power, and influence—would attach to the other Church, which would gradually possess itself of political power, nor cease to exercise it, as long as any thing remained for it to gain, or for its rival any thing to lose. His learned friend, the Solicitor-general for Ireland, had suggested, and he was sure with no unkind feeling, that by the avowal of these opinions, he was laying in no small store of aversion among his constituents, which might probably exclude him from the high honour of representing them in that House. Though he could not shut his eyes to the extent of this disadvantage, he should despise himself if, with his strong conviction of the importance of the question, and his deep sense of the importance of the principles he defended, he allowed any views of personal interest to interfere with the discharge of his duty. His learned friend was right so far as this, that if he could consent to change the vote he had constantly given on this subject, no member in the House, he believed, was more certain of an easy and unexpensive return. But, with all the consequences open to his view, he could not take the advice of his learned friend. Still entertaining the opinions which he had avowed in that House for nearly twenty years, with the blessing of God, come what might, he would not change them.

Mr. *Doherty* in explanation, said, that his observations had been applied, not to an individual, but to a class of members, whose opinions might, possibly, be the means of dispossessing them of their seats. For should they persevere in the maintenance of such opinions, the Catholics would make the votes of members on this question (most unwisely as he thought) the sole criterion of their merits as representatives in Parliament.

Mr. *Wilmot Horton* said, he hoped for the indulgence of the House, as the present was the first occasion that he had taken to express his sentiments upon this subject. His hon. friend who had just addressed the House, appeared to him to have entered upon a train of arguments and reasonings, which, if followed up, were alarming to the utmost possible extent. His hon. friend had admitted the existence of all the unhappy characteristics which at present distinguished the unfortunate government of Ireland. He had admitted the great power possessed by the Catholic priesthood in Ireland, and that at the last general election they had exercised a practical interference in the election of the members of that House. His hon. friend had admitted that that power, instead of declining, would be every day upon the increase; and he had further admitted the statement made by the right hon. member for Kerry, that the opposition to the claims of the Catholics would aggravate the dissentions which prevailed amongst parties in Ireland. Now, if all this were true, and as no man said that things could be maintained as they were in Ireland, what other inference could be drawn from what had fallen from his hon. friend, than that he wished to have a state of things restored, to which he did not, certainly, allude, but which could be the only mode, according to his view of the case, of preserving the connection between the two countries? His hon. friend had adverted to certain opinions which he (Mr. W. Horton) had expressed elsewhere on this subject, but which he had never presented to that House. Now, it seemed to him, to say the least of it, extremely inconvenient to allude to matters which were not before the House. Good God! did his hon. friend suppose that he had ever imagined that his hon. friend would be satisfied with any securities, however ample and comprehensive? Why, his hon. friend would not be satisfied with tons of securities. It was not to those who had steeled their minds against this great question, that he had addressed himself, but to those out of doors who were animated with a different spirit; to that large proportion of the Protestant population of this country, who feel that this state of things cannot go on, and who are anxious to yield every thing to the Catholics, consistent with the interests of that establishment which it was their duty, as well as their desire, to maintain. His hon. friend appeared to be convinced that the introduction of fifty Catholic members into that House would be the means of destroying the church establishment and the constitution of the country. How his hon. friend had arrived at this conclusion, he could not possibly divine, and it would be therefore quite out of his power to suggest securities against those ideal apprehensions which supplied the sole grounds for the arguments of his hon. friend. But those arguments did not meet with a responsive feeling on the part of the people of England. His hon. friend had objected to the principle of expediency, as the sole ground for the support of this measure. He also would object to that principle, if the measure were not equally supported by the principles of justice and equity. If the question were not bottomed upon far higher considerations than those of mere expediency, he would not be found amongst its advocates. His hon. friend, in condemning the principle of expediency, had said—

> "Sed te,
> "Nos facimus, Fortuna, Deam, cæloque locamus:"

but his hon. friend seemed to forget the line which immediately preceded that—

> "Nullum numen abest si sit prudentia."

He would suggest to his hon. friend, that it would be prudence, sound policy, and wisdom, not to prevent this question from going to a committee of that House, and the attention of parliament being thus called to the evils which at present so grievously afflicted unfortunate Ireland. The Solicitor-general for Ireland had divided the parties in regard to this question into three classes; those who were for leaving things as they were—those who were for granting concessions to the Catholics—and those who were for reviving the state of things past. Now, he would rather classify them into those who were prepared to grant concessions with or without securities, and those who were prepared, under no conceivable circumstances, to grant concessions to the Catholics. He had never disguised his opinion, that the true security, if concession were made, consisted in the cessation of religious distinctions; but, on the other hand, he could not disguise from himself the fact, that a great proportion of the people of this country were not prepared to take the same view of the matter; that they looked with anxiety for such security as would reconcile them to the removal of the disabilities of their fellow-countrymen, without hazarding those interests which it was their duty to defend. Now, he did not see why such a class of persons were not entitled to such security as did not interfere with the conscientious opinions and belief of their Roman Catholic fellow subjects. He did not share the opinion of the hon. baronet who had so eloquently opened this debate, that it was disrespectful to the Catholics to call upon them to afford such securities. He found, upon referring to the opinions of those men who had distinguished themselves in supporting this question, that there was no period at which securities, to satisfy Protestant alarm, and which should not trench upon Catholic conscience, were not suggested. When he instanced Mr. Ponsonby, he named one who had greatly interested himself in the support of this question. Mr. Ponsonby emphatically stated, that as to himself he was of opinion that the Catholics ought to concede every thing, to satisfy the Protestants, which would not be obviously inconsistent with their conscience. If the Catholics, he continued, asked that which could only be granted by the parliament, they should give an equivalent to that parliament for the concession: but he added, that the Protestant would have no right to ask what it would be inconsistent with the conscience of the Roman Catholics to give. Those hon. members, then, who would be inclined to grant the required concessions upon being supplied with satisfactory security, should vote for the motion of the hon. baronet. In a committee, the nature and amount of these securities could be discussed and determined. Some hon. gentleman had said that this measure, even were it passed, would not be received with gratitude by the Catholics. He was persuaded that if it were passed now, it would be gratefully received by the Catholic body; but if it were delayed much longer, then indeed the question of gratitude might be postponed, as one of a secondary nature. He never felt greater pleasure than in giving his vote for the hon. baronet's motion, as he trusted that in a committee the measure would be framed so as to be perfectly consistent with the security of the Established Church, and that thus at length this great question would be settled; for in no other way could it be settled. He could not believe that six millions of Catholics could expect to obtain certain concessions from ten millions of Protestants, without giving to them that security which they had a right to demand, as long as they deemed it necessary. For his own satisfaction, he would not ask for any security whatever. Abundant security, he conceived, would be afforded in the cessation of religious distinctions, and in the healing effects of concession and conciliation. He knew, however, that there were many in this country who looked for securities, and with a view to satisfy the Protestant mind on that head, he should vote for going into the committee.

Sir *James Mackintosh* said, it was once more his pleasing duty to support this question, which had been advocated by all the wise, all the great, and all the good men, who had adorned that House and done honour to their country, since the termination of the last century. It had been well remarked by an hon. gentleman who was himself opposed to the measure, that such a combination of intellectual superiority had never before been united for the attainment of any single object. Now, he did not think so highly of his own judgment as not to feel great relief when he found it strengthened and corroborated by the judgments and opinions of such an illustrious body of men. He did not think so ill of the moral and intellectual character of England and of Ireland, as to believe it possible that this whole class of persons, comprising her first statesmen and most celebrated men, had acted contrary to their substantial interests for the period of eight-and-twenty years. If he could really believe that such a conspiracy had been formed, and by such men, what idea should he then entertain of the character of the English intellect? What was this question, upon which, during this long period, all these great men had uniformly agreed? It was not a matter of speculation, but of civil policy and national redress. The whole first class of statesmen in this kingdom, who differed, perhaps, upon all other questions, combined upon this. This was not an appeal to authority against reason. The concurrence of the judgments of so many great men respecting this question, was a proof in itself that it was founded upon reason, and based upon the immutable principles of justice. Otherwise they must suppose that the splendid array of the greatest characters that adorned this country in modern days had combined to maintain a delusion upon this question; and the absurdity of such a supposition was too evident to require any comment.

Such an extraordinary combination could be ascribed to nothing else but the power of truth. There was no other mode of explaining the coincidence in opinion on the question between those who differed most widely on every other subject—between the advocates of what was called innovation, and the most zealous supporters of the establishment—between the friends of reform and the most determined opponents of that measure—in fact, between men who in every other particular were diametrically opposed to each other. Seeing this measure effect such a Union between such discordant characters, he felt bound to ascribe the phenomenon—for such it was—to the power of truth alone. He did not regret that last evening he had given way to two hon. members, one of whom had made one of the most effective, and the other one of the most convincing, speeches that had ever been delivered within those walls. He had no reason to regret that he had given way to his hon. friend, for he should be proud to call him his friend, the hon. member opposite (Mr. Perceval) who had exhibited such a beautiful union of private affection with public principle, and who, yielding to the power of truth, had afforded in his person an instance of a true Protestant and real Christian. Neither had he any reason to regret that he had given way to the right hon. member for the county of Kerry, who had given to the House such a satisfactory history of the engagements which had been entered into, and the pledges which had been made to the Catholics of Ireland by the government of Great Britain, in order to induce them to acquiesce in the measure of the Union; upon the faith of which pledges and engagements, as the right hon. member had abundantly proved, the Catholics gave that acquiescence, which had it been withheld, the measure of the Legislative Union would never have been carried: and the government of Great Britain at that day confirmed the truth of the statement, by the best proof which they could possibly give of its correctness; namely, by resigning their different offices. Yet, now at the end of twenty-seven years, the Roman Catholics were still soliciting that boon, which the government of England, at the time of the Union, had given them hopes to expect would be speedily granted to them.

These were the impressions made on his mind by speeches he had heard in the course of this debate; and the conviction must have sunk so deep into the heart of every one who had listened to them, that he by no means regretted that he had given way to those by whom they had been delivered. At the same time, he should have liked to have followed his hon. and learned friend the Solicitor-general. For that learned gentleman he felt the greatest esteem and respect personally; he admired him for his legal ability, as well as for the calm and dispasssionate manner in which he had brought forward his arguments, and the judicial candour and correctness with which he generally investigated even political questions. But he felt it to be necessary to go back to the consideration of certain principles, which otherwise might be taken for granted. His hon. and learned friend had asked, "What has a seat in parliament to do with the full and free exercise of religion?" A philological definition of such a complex point as that which his learned friend had introduced, might be difficult; but it was easy enough to lay down a rule by which the approximation to, or the deviation from, the great standard of religious freedom could be ascertained. He would say, then, that religious liberty was that which prevailed where the law fixed no penalty—where it imposed no disabilities — where it placed no mark of inferiority of any sort on a man for avowing his opinion with respect to religion; or, to use shorter words, where no individual was rendered the worse on account of the mode of worship which he followed—where every man declared his sentiments on the subject of religion, without encountering that mark of public displeasure which, where such freedom did not exist, was imposed by the law. For he would contend, that every man excluded from certain situations on the ground of his religion, and not on civil grounds, had the mark of public displeasure affixed on him by the law; and he was borne out in that argument by the hon. member for Louth; for what was the statement of that hon. gentleman? It was, in effect, that the State viewed with natural distrust, any man who professed such or such a religion, that religion not being established by law. Now, he would say, that every portion of penalty—that every particle of disability of any sort—which may be imposed on an individual on account of his religion, beyond that which was not strictly necessary for the preservation of the State and its institutions, was persecution and intolerance. It might differ from the *auto da fe* in point of humanity, but not in point of principle. A man might be restrained by particular feelings — he might be prevented by the dictates of a certain policy—from proceeding to extremities, with reference to those whose religious opinions differed from his own; but it was clear, if he were consistent with himself, that the same argument, which, in his opinion, justified him in interfering at all with those whose creed differed from his own might be advanced if he wished to proceed further. The only question was, as to the prudence and policy of the severity that might be employed to protect the State from any danger to be apprehended from those who dissented from the established religion.

Such, however, was not his doctrine. Much had been said in that House, relative to lord Somers, whose name had been a good deal abused. What said lord Somers? And here it ought to be observed, that the circumstances of the times in which lord Somers lived were very different from those of the present day. Lord Somers quoted the principles which had been alluded to with reference to the Protestant Dissenters, and he (sir J. M.) would quote them with pleasure on this auspicious day, when his majesty had given his royal assent to the most just, the most wise, and the most paternal, measure that had been passed in this country since the era of the Revolution. By that measure the Dissenters were restored to their long-lost, but never justly-forfeited, birth-right. Lord Somers was quoted as speaking of Dissenters; but he (sir J. M.) would apply the principle laid down by lord Somers to the Roman Catholics and to all mankind. What was that principle? It was, that the punishment of incapacity which was inflicted under the bill for the Prevention of Occasional Conformity was, next to loss of life, the heaviest that could be inflicted: for an Englishman could not be placed in a more wretched condition, than by being deprived of an opportunity to serve his prince, and to defend his country; and therefore nothing but a crime of the most detestable nature ought to debar him from proceeding in that honourable path. Such was the opinion of lord Somers, who was at the head of the conference relative to the bill, and who was supposed to be the writer of the reasons against the measure which appeared on the Lords' Journals. But his learned friend, the Solicitor-general, had thought it sufficient to say, that the laws established in the time of Charles 2nd, and afterwards by king William, proved the wisdom and foresight of our ancestors. His learned friend had contented himself with a very short course of reasoning on this point. He said, "it was the wisdom of their ancestors that placed these bars against the Roman Catholics, and that religion had, in no respect, changed since those measures were deemed necessary." Now, in his opinion, a mind so logically constructed as that of his learned friend, had never before argued so illogically. He (sir J. M.) felt grateful for what had been done by the wisdom of their ancestors, he felt a deep respect for their wisdom, and he would do much to place it in the most favourable point of view; but no praise was less called for, than that which was lavished on the wisdom of their ancestors, when they enacted laws which, on account of religion, inflicted civil incapacity on a numerous body of individuals. Speaking of that system they could not say "*Hæc sapientia quondam.*" Their ancestors might have gone on with this system of exclusion, till one feeling of jealousy, of distrust, of hatred, prevailed through the country —they might have excited the most furious passions of various sects, till they engaged *in bella internecina*—they might have adopted measures of this revolting nature, until neither peace nor safety could be found in the country—but surely such a system would not speak much for the wisdom of their ancestors. That species of the wisdom of their ancestors was only to be removed by the progress of intelligence and reason.

He should not speak further of that wisdom; but would call the attention of the House to the change which had taken place in the sentiments of mankind, on this subject of exclusion on account of religion. Only two hundred and fifty years had elapsed since the reign of that queen who was considered to be the head of the Protestant religion. At that day every state in Europe punished the professors of that Protestant religion with death, whenever they were discovered. Scarcely had two hundred years elapsed since two Arians were, on account of their religious tenets, put to a cruel death in this country; and, in the time of Edward 6th, the cradle of the Protestant Church was covered with blood. These scenes had taken place under the eyes of a man who, in some respects, was very amiable, and for whom, considering the age in which he lived, he was ready to make an ample allowance. A lapse of two hundred and fifty years had since taken place, and they had arrived at a time, when every state professed toleration, and almost all of them practised what they professed. They had arrived at a time, in which religious liberty, in the sense in which he had described it, when no man was the worse, when no man suffered any exclusion from civil privileges, on account of his religious opinions, generally prevailed. If they looked from the Pyrenees to the Alps, from Archangel to the confines of Kamtschatka, they would find that this feeling was predominant, and was every hour becoming stronger. They would find it prevalent in Russia; they would find it triumphant in all the states which composed the Germanic body. The ruling power in Saxony acted on this principle: the Roman Catholic king of Bavaria governed with an equal hand his Protestant subjects, while the Protestant monarch of Prussia extended the same paternal and protecting hand to his subjects of the Roman Catholic faith. England and Prussia had long been at the head of those powers which considered the protection of religious liberty as the proud badge of civilization; and they looked on other nations as coarse and uncultivated, when they countenanced a system of exclusion on account of religious opinion. Holland still retained her high situation, under a prince of the House of Nassau, as the protectress of liberal principles. That was, perhaps, the best governed and most prosperous state on the continent. He rejoiced in the illustrious name of Nassau, which was dear to every friend of freedom; and he only regretted that England, under a prince of the House of Hanover, should have retrograded from her proper place in the van of tolerant and liberal nations, and fallen into the rear. By the late change in Sweden, a Catholic king had been placed on the throne. Whether she still persisted in excluding Roman Catholics from power, he could not tell; but he believed that there were few or none of that persuasion in the Swedish territories. He knew, however, that the system of exclusion did not hold with respect to Denmark; because he had been acquainted with a Roman Catholic gentleman, of Irish descent, though born in one of the Danish West-India islands — he meant the late Mr. Morton—who had filled the situation of representative of Denmark in this country. He knew another Roman Catholic gentleman, a native of Northumberland, who was a resident at the court of the king of the Netherlands. Where, then, he asked, did the system of exclusion prevail. In the states of the south of Europe, where there were many infidels, but no Protestants? Yes: the system existed in England, and it existed in Spain? It existed in the country of Locke, and also in the country of Loyola; in the dominions of the House of Brunswick, and under the government (if I may dignify it with the title) of Ferdinand 7th. It was in this base society that the wisdom of their ancestors was cherished and kept up. There they might see every attempt made to perpetuate a few fragments of that ancient tyranny and intolerance which had created so much misery — which was even now endangering the tranquillity and integrity of the empire—which was breaking the link that joined us to the most precious member of the British State—which was keeping shut that door which effectually precluded the commencement of improvement, and would continue to do so until it was thrown open, which continued to inflict on the great body of the people of Ireland that unworthy treatment under which they had so long suffered. It is now seven hundred and fifty years since the first landing of the Anglo Romans on the Irish soil, and from that time downwards, the chieftains and the people of Ireland had been stretching out their hands towards England, praying to be admitted to an equal share of those rights which all ought alike to possess. For seven hundred and fifty years had England been refusing the concession of those rights, which so far from denying, she ought to have been the first to implore them to accept. By that means Ireland would have been made the strength and bulwark of Great Britain, instead of being a point of weakness and insecurity. But, by a just dispensation of Providence, England was inflicting on herself all the miseries which the great body of the people of Ireland had been made to suffer. England felt it in a tottering government, in the distrust of public men, in the differences which existed to such an extent amongst them, and in the difficulty that presented itself against the formation of a hearty and effectual coalition for the service of the country. By and by, she would feel the ruinous consequences in a still more vital part. She would feel it in the utter beggary and ruin of the labouring classes in this country; who would be ruined by the influx of myriads of starving wretches from Ireland, whom misery and misgovernment would assuredly drive upon the shores of England. She would feel it by starvation being brought upon her by the presence of thousands whom she would be unable to support, and who would find themselves under the dire necessity of venturing hither with the knowledge that they could not do worse, and in the hope that they might drag on a wretched existence, at a point just above that of starvation. To this state would things most certainly arrive. It then became the question, whether it was worth while to make a stand for the continuance of a system which must render the government weak and tottering, and reduce the people to the lowest scale of degradation compatible with the bare preservation of human life. He felt more strongly than he could convey to others the debt which they owed to the people of Ireland, for such a long period of misrule. Considering the character of both nations—considering the time this system had continued—considering the one people as the bravest and the most free on earth—considering the other as the most gallant, and possessing as much genius as any people in Europe—he could not avoid thinking, that the course of misrule and misgovernment which had been followed was without a parallel in the history of the world. If gentlemen chose to look to the sort of rule which barbarians exercised over their fellows, or to mark the contests of savages and canibals, it was possible that the scenes displayed might be matched by others equally atrocious; but, considering the two countries as nearly allied to each other—considering the character of the people of England and Ireland—he must again declare, that the case was without a parallel.

He felt himself called on to say, that if the question of the repeal of the Test and Corporation acts had been carried, as a matter of triumph over any party in England, and more especially over the Established Church, he should have abstained from any notice of it, in considering the present subject. It was not, however, carried in a spirit of triumph, but in a spirit of conciliation. He hated the word triumph, when applied to the success of any measure that was fairly argued between citizen and citizen. To him, "Bella nullos habitura triumphos." It was not, he repeated, a triumph over the Church, but a triumph of liberality, which they owed to the improvement of the age The most enlightened prelates had given the measure their support—men equal to the most profound consideration of subjects of that nature—and not more estimable for their great learning, than for the possession of all those Christian qualities that became their sacred character. They possessed a proper zeal for the interest of religion, and at the same time were not unmindful to protect that establishment of which they were the guardians. They had, on the late occasion, treated with cool indifference every taunt and slander that had been thrown out against them. They considered wisely and well, their own rights; they took care of those interests that were intrusted to their superintendance; and they proved, that calmness and temper were much better qualities than the most hot-headed zealotry. We owed to those reverend prelates the distinction which had been so well drawn between "a church," and an "established church," and a distinction might also be drawn between a religion and a church. Religion consisted in the love and reverence which were due from man to perfect wisdom and unmingled goodness. The seat of religion was in the soul; no human power could reach it; no human eye could scrutinize it. It was the strong chain of relationship between man and his Creator. It was too sacred to be made the subject of any legislative enactment; it was too pure and reverential to be treated with that levity which was incidental to all discussions in a deliberative assembly. A church, as they had been well taught by those reverend prelates, was a different thing from an established church. A church was a society of men agreeing in opinion on religious points, and meeting together for mutual instruction and exhortation. Such a church was the

Christian church before any establishment was made for it. That church was as pure and dignified under Domitian at it was under Theodosius; the light of that church shone as brightly when Cyprian was led to the flames at Carthage as when Chrysostom ruled over it in Constantinople. The episcopal church of North America, possessing all the simplicity of the primeval church, flourished under equal laws, but had no establishment. The rev. gentleman, who was at the head of that church, paid a visit to this country some years ago, and was received by all classes of the clergy with an unfeigned welcome. He returned to his country, and soon after preached a sermon in his cathedral church. In the course of that sermon, he said, that notwithstanding the gratitude he felt towards the clergy of this country, for their kindness to him, and the admiration with which they had inspired him, still "he would rather have his church persecuted than established." He did not mean to applaud this sentiment, to praise the discretion of the gentleman who had uttered it, or to approve of the language in which it was couched; but merely to show the distinction which was felt between the establishment of a church, instituted by the civil power, to disseminate religion and morality throughout the community, and that which had no connexion with the civil power. The former was the creature of the law, and over religion the law had no power. An established church was, however, one of the most venerable institutions of every community, and deserved to be protected and secured.

The only question, then, in this case was, "What are the best means of securing and supporting the church?" Now from the course of discussion on the repeal of the Corporation and Test acts, they had learned something important. One of the most learned prelates, Dr. Marsh, bishop of Peterborough, published a charge last year entirely on the subject of the Roman Catholic claims, and decidedly directed against them. Now, what was the first evil which that learned prelate apprehended as likely to arise from granting concessions to the Roman Catholics? The learned prelate said "such a measure would be so pregnant with evil, it would be so destructive to the interests of the country, that it was impossible to say where the mischief would end—it might even bring about the repeal of the Test and Corporation acts." [A laugh.] It followed, then, that, in the opinion of that learned prelate, the repeal of the Test and Corporation acts would be a greater evil than concession to the Catholics; for otherwise he would not have considered the former evil as a grievous aggravation of the latter. He had never heard stated, by the opponents of the Catholic claims, what mischief was likely to arise to the church by conceding those claims. But, with respect to the repeal of the Test and Corporation acts, it was feared by those who opposed that repeal that it would open the door to every sort of sectarianism in the Church of England. Therefore they were hostile to any interference with that which Blackstone had foolishly enough called the bulwarks against Jews, Turks, and Infidels — those bulwarks had been removed, and the event had left no unpleasant impression on the mind of any person, and the secure slumbers of the church were not at all likely to be disturbed by the machinations of Jews, Turks, or Infidels. The repeal of the Test and Corporation acts ought to show the possibility of individuals at length agreeing on a point of principle, even in cases where prejudices had been strong and inveterate. It showed that by prudence, by conciliation, and by weighing a subject calmly, many difficulties might be overcome. It was now admitted that a test of belief was a most useless expedient for supporting an established church, and he hoped that the right rev. prelates, who had shown such enlightened wisdom on the subject of the Test and Corporation acts, would bring their minds to consider, with the same charitable feelings, the case of the Roman Catholics, and the cruelty of keeping men from civil privileges on account of their religion. It was telling them that society distrusted them on account of that which they most revered—it was pointing out that as their shame, which they looked upon as their chief praise and glory. It was a dart that struck the finest feelings of man: it was not a wound on his body, but it was an attack on his conscience, and that too through that worship which he most venerated and loved.

The right hon. and learned gentleman proceeded to say, that he did not understand the policy of those who acted on a system of delay and hesitation, with respect to the claims of the Roman Catholics. He could understand the two extremes of those on the one hand who would have the courage to revive the whole of the penal code, and of those on the other who were willing to grant the concessions which the Catholics claimed: but he could not understand the policy of that party who admitted that the Roman Catholics ought to be put in possession of their rights, but who always objected to the time. Their conduct was the most monstrous, absurd, and extravagant, that could be conceived. He called on them to consider if, by these reserves and hesitations, they would reveal to the world that most fatal of secrets; that they would not do it until it was extorted from them. They would lose all the merit of concession, and deprive conciliation of all its healing power. As in the case of America, so in the case of Ireland, they were heaping up humiliation for their country. The Crown of England had been made to sue for peace, at the hands of those who, but a few months before, she had denounced as rebels. The people of America were called vagrants, and branded by every opprobrious epithet, while their speeches in their assembled Parliament were treated by the zealots of the day as the speeches of the Catholics were treated now. Let them beware. The symptoms of the disease had appeared: for the language complained of, though it might provoke a foolish government, instructed a wise one. Would this government continue, by calling for coercion or by opposing conciliation, to draw the House into a silent acquiescence in the system which now reigned in Ireland? They had succeeded so far, to so great an extent had the delusion gone, that a gentleman whose character he knew to be one of the mildest, he meant the hon. member for Ripon, (Sir R. Inglis) had concluded his speech by saying, "I will not yield these points; and if they are to be obtained, let them be got from us by force." He did not pretend to have caught the exact words, but that was their import. Now, when he heard such language from a man like his hon. friend, whose intelligence, benevolence, and kindly feeling, were so universally acknowledged, he could not but call upon the House to consider of what intensity must be the mischievous principle, which glowed under the ashes of such a political profession. There were too many, who, like his respected and hon. friend, were prone to talk of the "vigour and determination" necessary to be manifested by government towards Ireland. For his own part, he never heard those words, without remembering how eloquently and how powerfully he had heard them dilated upon in that assembly, by a voice which never was heard within those walls without delighting him, at least; and which, not more unfortunately for him than for the country, had now ceased to be heard, for ever. What, however, must he hink of the principles of this opposition to the Catholic Claims, when he found that it could induce a member, of a deportment so mild, of manners so gentlemanly, and of temper so usually unruffled, as those which were peculiar to the hon. member for Ripon—to declare in his place that he would rather the Irish Catholics should extort by force the objects of their petitions, than yield them to their entreaties. He asked what probability there was of the people of Ireland abating in their ardour for the attainment of those rights? What was there in the conduct or condition of England to induce them to do so? Let them look at the retribution which England was suffering on account of her injustice and oppression towards Ireland. This very question had overthrown no less than three administrations, and prevented the formation of a great many more. Let them look at the elections too, and they would see that this question had kept up a perpetual state of division in England. From 1812 to the present moment, no man had been hardy enough to propose an administration which should be purely anti-Catholic. From that period that was to say for sixteen years, no administration had dared to avow themselves friends to the permanency of the present system. Could gentlemen be serious in thinking the permanency of such a state of things desirable? Could it be expected that the people of Ireland, witnessing what they had witnessed, would desist from their importunities, when they heard the right hon. gentleman, who last year had rested the condition of his services to the State upon the higher or lower shade of Protestantism in the cabinet, and who had complained of the painful and difficult situation in which he was placed, he being nearly the only one amongst his colleagues opposed to the Catholic claims—when they saw that right hon. gentleman, shortly after his return to office, declare that the majority of only four showed the impossibility of forming an administration upon extreme or exclusive principles,—

could they doubt of ultimate success? The present administration had happily disappointed the hopes of the exclusives and the zealots. It had been truly said by an hon. gentleman, who had spoken so ably and so beautifully on the preceding night, that the only palpable mark of distinction now remaining was that between the favourers and the opposers of the Catholics. It was clear, therefore, that sooner or later the balance must be struck, and that victory or concession must determine this dispute. If it continued, the government could never be so constituted as to ensure that confidence at home, and that respect abroad, which were absolutely necessary to the effective application of the resources of the state. They told them that they were agreed on every other point. They might whisper this to their hearts: ambition, and a desire to believe that it was really so, might persuade them of the truth of it; but he did not believe it would support them through the difficulties in which they might find themselves placed. He believed that when they saw the prospect of a dissolution of a ministry, each would begin to make provision for the hour in which they might be opposed to each other. If there was any truth in these views, and if it were clear that under certain circumstances the government must be essentially weakened, from a difference of opinion in the cabinet on this subject, then the situation of this country ought and must teach Ireland not to despair, and that they must succeed at last. The people of Ireland would note the signs of the times; and, among those signs, they would note the inclination of the rising generation, especially among men of talent. And what was that inclination? Let any man look around that House, and tell him why it was that the right hon. gentleman opposite was the only exception, a splendid exception, he admitted—that he was the only great parliamentary character, who, within the last twelve years had embraced that party, which, in court favour as well as Parliamentary influence, was considered to surpass all others. The reason of this want of concurrence with the principles of that party among the rising youth of the day, might be found in the conviction that their talents ought not to be exerted against the principles of religious freedom, and that they could not lend their aid to the views of that party without placing themselves in opposition to their principles, and to the general feelings of mankind. One more observation. Youth was not the age of fear. The apprehension of doubtful or remote evils were peculiar to the more advanced stages of life; and he rejoiced, therefore, that it was among the youth of the country that the disposition to support this measure more particularly manifested itself. He rejoiced, too, that while there was the less to apprehend from the influence of fear, there was the less likelihood that, under the cover of fear, the base vice of personal fear would be confounded with fear for the public good. On which side, too, had the conversions on this subject been? On the one side there was the whole influence of Government; for whatever might be said to the contrary, it was well known that promotions in the church and the law were greatly influenced by the circumstance of men being friends or enemies to the Catholics. With all this influence what conversions had there been on that side? He knew of none. On the other side, however, they had instances of men, possessed not only of talents, but of ambition too, who, in the face of place, power, and promotion, had clung to generous principles, and resisted the temptations which were held out to those who would support a cold and narrow policy. The people of Ireland would see that they had youth and virtue on their side, and that men espoused their cause who had prevailed against the temptations of place and power. And therefore neither he nor they could feel any doubt that, if those fatal measures of coercion, which had been obscurely hinted at, were ever attempted to be put in practice, they would see more conversions, more members of a gallant and generous nation listen to the voice of their country: but he did wish that House to hear the voice of generosity and justice before that took place; he did not wish that they should be last in the race. Let it be recollected, that in times of foreign confederacy the minister of the state might be suddenly converted to Catholic Emancipation, and occupying himself no longer with quibbles upon the justice or the expediency of granting the claims of the Catholics, think only of the preservation of his country. Let those who wish these concessions to be still withheld consider, that the time may not be far distant, when the government may find that to be a matter of necessity which was now prayed at their hands.

As for the Treaty of Limerick, he was willing to omit all considerations respecting it. He was ready to admit that the interpretation of that treaty which was now contended for was not originally considered by the Catholics to be the real interpretation of it. He had thought it right to investigate the merits of this part of the question; and, though he was open to conviction, yet, as at present advised, he did think that any number of equitable arbitrators,—though they must allow that there was great laxity in the terms, and consequently that there might be difference of opinion in the interpretation of the treaty,—would agree in the opinion of Burnet, that the fair interpretation of the treaty was, that things in Ireland should be restored to the state in which they were in the time of Charles 2nd. And to show that, independently of the consideration of the treaty itself, he had grounds for the opinion which he held, he would remind the House that Dr. Brown, the member in the Irish parliament for the University of Dublin, had expressly declared, in his pamphlet upon the subject, published in 1782, not a hundred years after the treaty, that it was the general impression throughout Ireland that the Treaty of Limerick had been violated. This was a strong evidence upon the subject, of the feeling of one of the contracting parties. He said this because his right hon. friend the member for Kerry, and his hon. friend the member for Westminster, had strongly insisted upon the fact of a breach of covenant under this treaty.

But his honourable and learned friend, the Solicitor-general, had used a very singular argument in the course of his speech. His hon. and learned friend had cited, as a proof of the danger which would result from Catholic Emancipation, the statutes of *præmunire* which were passed in the reign of Richard 2nd. How stood the logic of his hon. and learned friend? Why, that as the Catholics were at one time so jealous that they actually passed laws restricting the papal authority,—therefore he would not trust Catholics now, lest they should pass laws to extend the papal authority. Now, not only did he not see the force of his hon. and learned friend's reasoning, but he really thought that it would have been more fair to have inverted the argument, and to have said, that they ought not to be afraid of trusting the more civilized and enlightened Catholics of the nineteenth century, since the less civilized and the less enlightened Catholics of the fourteenth century passed very severe laws against the papal authority. If it were meant—and that was all it could mean—that there would be a clashing between the temporal and the spiritual courts, this could be a matter of little moment. The power vested in spiritual courts, of whatever kind, was merely a branch of the civil power, delegated by princes or a people to spiritual judges, and might be withdrawn by those who had delegated it whenever it should seem fit to them so to do. Had the Christian bishops any power or jurisdiction of this nature before the time of Constantine? Certainly not; and it had been shown, as clearly by the Abbé Fleury as by Warburton and Jeremy Taylor, that this jurisdiction was not inherent in the church, but a delegation from princes and the people. If it were contended, that the interference of the pope would be inconvenient, he would use the argument of his hon. friend, the member for Westminster, which had not yet, and which never would be, answered; namely, that it was the same in Catholic countries, and that the civil power was never obstructed in its operations in those countries by the interference of the church of Rome. Besides this—and let it not be lost sight of—the Catholic religion had, since the reformation, completely changed its character. As the manners and opinions of society changed, so had the opinions and conduct of adherents to the church of Rome, altered. They had done that which he now prayed the House to do,—not to adapt things to the reign of Elizabeth, or to the reign of Charles 2nd. or to the reign of Anne; but to the reign of George 4th. The main objection which was so constantly put forward was, that they were bound to protect the Established Church. Now, every established church must rest on one of two grounds—on power, or on the attachment of its adherents. The Church of England was growing stronger and stronger every day, from no other cause than the attachment of its adherents. The Church of Ireland never could and never would become stronger; because it relied wholly on the power of this country for its support. It followed, therefore, beyond all controversy, that no men were so much interested in acceding to the measure of Catholic Emancipation, by which that permanency of connection would be ensured, as the members of that Established Church, whose influence and power must crumble to atoms, at the very moment of the separation from England. That Church might fall in the lapse of time, or by the revolution of opinions, but it must fall, if any accident should separate Ireland from England. It was for the members of the Established Church of Ireland, therefore, to consider well whether its security was more endangered by the hostile acts of perhaps fifty Catholic members in that House, with their hostility instigated and controlled by the majority, than by the enmity of the whole Irish people. This consideration resolved the question into a mere matter of policy, independent of all religious feelings. The simple question then is, whether the state of things in which that country was placed at present might be regarded as operating for or against the security of the connection with this country, and the consequent security of the Protestant Church?

He now came to a subject of a very grave and important nature, and one which he should not have ventured to touch upon in that House, if it had not been argued with so much force and energy by his hon. and learned friend, as one of the obstacles to the concession of the objects of the hon. baronet's motion. Under the circumstances in which it had been mentioned, he could not, notwithstanding the delicate nature of the question, avoid making upon it a very few observations. The constitution of this country had wisely exempted the king from the exposure of being present at any of the stormy debates which take place in parliament; and rendered his person inviolable, and his conduct unimpeachable, so long as his advisers continued responsible for his actions, done by their advice. This was one of the great expedients by which our ancestors contrived to reconcile the doctrines of a monarchy with the principles of liberty. The advantages of such a provision were numerous to the monarch, as well as to the subject; but the misfortune was, that the least invasion or infraction of the law exposed the king of such a country to greater reverses of affairs, than the rulers of other countries, apparently less happily situated. The king was the fountain of mercy, the redresser of the wrongs and grievances of his subjects, until a perverse and iniquitous system of law deprived him of his most valuable privilege, and robbed him of the brightest jewel of his Crown. The privilege of advising his majesty rested with his ministers, under the control of the Houses of parliament; but such was the jealousy that parliament entertained upon this subject, that all attempts to influence its decisions by any statement of the inclination of the king, was looked upon as a high misdemeanor. There could, indeed, be no doubt, that any attempt to state the opinion of the Crown to that House, was against the principles of the constitution; nor was it less doubtful, that any individual was guilty of the highest presumption, who ventured to influence the decision of the House by any reference to the opinions, or the situation, or the duty, of the Crown. He did not mean to say that his majesty was fettered as some had dared to say that he was fettered. He would not enter into the discussion of the delicate subject of the principle of an oath; but would merely refer, on that occasion, to what lord Kenyon had said in his correspondence with his late majesty, in 1795. Lord Kenyon said, "It is a general maxim, that the supreme power of a state cannot limit itself." Perhaps, it would have been more correct to have said, that the supreme power of a state was always the same. For if this were not so, then the supreme power of one and the same state would at one time be less than it was at another. It was a principle of law and justice, that what could not be done directly, could not be done indirectly; and, therefore, it was clear, that by no means whatever could the king bind his successor; for, if such a proceeding was tolerated, the course of legislation would be impeded by measures producing endless confusion, and every party who wished to bind the legislature to a perpetual adherence to some private plan, would endeavour to have an oath tacked to the bill, in order to secure it against violation and perpetuate its enactments. Circumstances of state which never could be foreseen might suddenly arise; emergencies, beyond the power of calculation, might occur. If the supreme power could bind the successor, the monstrous doctrine must be maintained, that a king might be bound by an oath not to perform a duty which might eventually save his country. The distinction, in his opinion, was perfectly clear. The king in Parliament exercised the supreme power, and with the authority of that parliament he might bind himself by oath to abide by such acts as to his conscience and judgment might seem right. The power, however, which gave might take away; and the same parliament and legislature which, in its supreme power, bound the king to one course, might determine upon another. The Coronation Oath was relied upon; but, besides other satisfactory arguments which had been adduced, to show that this could be no impediment to Catholic concession, he would say that this was a matter of political reasoning; that it was a question of degree; and that the king, if advised by his councillors, and supported by the two Houses of Parliament, would not resist a measure of concession to the Roman Catholics.

He would trouble the House only with one word more. If it was to be the fortune of parliament that night to see the relief which had been recently granted to the Protestant Dissenters, followed by an equal measure of justice towards the Catholics,—if that one wise decision should be followed by another, which should relieve the long-protracted sufferings of Ireland, and open to that unhappy country something like the prospect of a better scene—something like the commencement of reform,—then he should look upon any discussion of the question of oaths as a work of mere supererogation. In such a case, he should ever be disposed to say with the noble Roman, who held all forms or tests as mean and trivial compared with the common advantage—"Maximum illud pulcherrimumque jusjurandum, se conservasse rempublicam."

Mr. Secretary *Peel* said, that the right hon. gentleman who had last spoken held out little encouragement to discussion, on the part of those opposed to him. According to his view, those who happened to think the laws which he desired to get rid of connected with the security of the Protestant Church, stood opposed to such a mass of authority, as well as such a force of general opinion, as ought to induce them at once to defer, almost without taking the trouble to exercise their judgments. But though he admitted the combination of talent by which those who resisted the question before the House were opposed, and the truth and the sincerity of the conversions which had recently taken place upon it, still those in whose minds no disposition to change existed, but who rather found their original belief strengthened by consideration, were entitled to state to the House the grounds upon which that original belief was fixed. Let the real merits of the question be what they might, it was the bounden duty of persons so situated, both to the Crown and to the country, to come forward and declare temperately, but manfully and firmly, how it was that the arguments which had wrought conviction on others, had failed to produce any effect on them. There was another reason beyond those stated by the right hon. member, which would have inclined him to remain silent, if it had been possible for him to do so; and that was, the slight hope which he felt of being able to say any thing new upon the subject. He should be compelled to repeat, he feared, to a reluctant audience topics and arguments which had been already urged almost to satiety, and upon which the most promising expectation he could hold out was, that he would detain the House not one moment longer than was absolutely necessary. The case, however, as it stood, left him no alternative but to take this course: he had no desire to obtrude his sentiments; but the repeated and personal allusions of the hon. baronet who opened the debate, made it incumbent upon him.

The hon. baronet who introduced the question, had made a particular appeal to him upon one part of the subject, which it was impossible not to perceive was peculiarly distasteful to the House. He alluded to the Treaty of Limerick. The hon. baronet founded his claim, not upon any ground of abstract right or justice, but upon the plea, that on a certain occasion a solemn compact had been entered into by those who might be considered as the representatives of the Irish nation at the time being, for which a valuable consideration had been given by that people, and which had never been perfected, up to the present hour; and he had reminded him of a former declaration which he had made,—that if he could be satisfied, that any of the privileges which the Roman Catholics now demanded could be claimed under the provision of that treaty, it would materially alter his view of the question. Now, he did not mean to escape from this pledge by any denial or qualification of the terms in which it had been given. There were some persons who thought that the length of time which had elapsed since the execution of the treaty would be an answer to the contents of it; but he was not of that opinion. He had stated distinctly—and it was a principle from which he felt no desire to depart—that it would be a case of a very different nature to justify the withholding of privileges stipulated for by treaty, and to refuse granting those same privileges as a question of abstract policy; but, after having again and again referred to the Treaty of Limerick itself, and to every contemporary document which could go to explain it, if he were placed in the situation of arbitrement proposed to him by the hon. member for Westminster, he should conscientiously say, that of all the points ever presented to his mind, the reading of that treaty was the plainest. He was at a loss, indeed, to understand how any man who read the Treaty of Limerick, taking it in connexion with the laws and institutions of the time in which it was executed, could find a shadow of reason for supposing that it had ever contemplated the unrestricted admission of the Catholics to political offices and to seats in parliament. He had never denied, or doubted, that the first article of that treaty had reference to the whole of the Roman Catholic body. No doubt it had been meant to include the Catholics of Ireland generally, and had not been confined to the population of Limerick. But the difference between him and the hon. baronet was upon the nature of the privilege which the treaty conveyed; and it was impossible for him not to be of opinion, that its effect, in the hon. baronet's argument, was entirely overrated. He addressed himself to this subject, not merely to vindicate his own views upon the question, but to protect the names of king William himself, of lord Somers, and of the whole body of the Whig ministers of that day, as well as of Mr. Pitt, lord Cornwallis, and lord Castlereagh, from the infamy which must attach to them, if the arguments of the hon. baronet were capable of being sustained. If it were possible that William 3rd had intended, by the Treaty of Limerick, to grant the Catholics any of the privileges which the hon. baronet contended for, merely upon their taking the Oath of Allegiance, he would deserve, instead of being quoted as of "glorious memory," to be held infamous for a violation of good faith, which no circumstances could justify. He believed, however, that he should be able to show that the illustrious persons of whom he had spoken were none of them obnoxious to the charges which the hon. baronet had made against them. Neither the representatives of king William, nor the Catholics themselves at Limerick, had ever contemplated that any of the privileges now talked of were to be granted. He regretted, indeed, for the sake of the Catholics themselves at the present day, that the hon. baronet, and those who thought with him, should have carried their case back to so remote a period. There were circumstances in the conduct of the Catholics of Ireland at the time to which the hon. baronet had referred, which it would have been wiser, on all accounts, to have left in that oblivion to which Catholic writers themselves had felt the advantage of condemning them. He was not disposed to revive animosities by adverting to topics which it was impossible to touch, except in terms of reprobation; but when a misapplied ingenuity attempted to make a case for the Catholics out of these very acts and occurrences, such a course was calculated only to throw suspicion upon the cause which was believed to be supported by it. His present business, however, was with the provisions of the Treaty of Limerick: and this was the last time—he might promise the House so much—that on any occasion, he would refer to it. He would not have dwelt upon it now, if he had not been challenged by the hon. member for Westminster to support the motion before the House, on the ground of a former declaration with respect to it, and if he had not feared that his silence on the subject might be misinterpreted or misunderstood.

The hon. baronet argued, that the first article of the Treaty of Limerick gave an exemption to the Catholics from all disturbance on account of their religious opinions. The answer to this assertion would be short; and he trusted that the House would arm themselves with patience to attend to it. The first article of the Treaty of Limerick stipulated, that the Roman Catholics of Ireland should enjoy such privileges, in the exercise of their religion, as were consistent with the laws of Ireland, or as they did enjoy in the reign of king Charles 2nd; and their majesties, as soon as their affairs would permit them to summon a parliament in the kingdom, would endeavour to procure the said Roman Catholics such further security in that particular as should preserve them from any disturbance on account of their religion." Now for the view which the Catholics might be supposed to have entertained of the effect of this article. Was it to be believed that the Catholics of Limerick, assisted as they would be by the best legal advisers of their own body, would have rested their claim to entire freedom from all disabilities, upon words so vague and unsatisfactory as these? The right hon. member who spoke last had alluded to the opinion of lord Somers, and had denied the position of his right hon. friend near him, that there was a wide difference between the freeing the Catholics from all disturbance on account of their religious belief, and allowing them to hold seats in parliament: and the right hon. gentleman had relied upon those words of lord Somers, in which he said, that "the heaviest penalty short of death which could be imposed upon any man, was the rendering him incapable of filling any public office." But he entreated the House to hear, from the very same document from which that quotation was extracted, the real opinion of lord Somers upon the question of the disabilities of the Catholics of Ireland. The question, in the case to which lord Somers immediately referred, was one of exclusion wholly different from that under which the Catholics laboured. It was not an exclusion from office arising through or out of the administration of a particular oath. The law against which lord Somers complained was a law which inflicted penalties and disabilities upon Dissenters for non-appearance at the places of worship of the established church. It was the well-known Occasional Schism bill, by which perpetual disqualification for office was inflicted upon Dissenters, under particular circumstances. But when the right hon. member used the authority of lord Somers, against the severity of an exclusion which arose out of a qualification by oath, he was surprised that the right hon. gentleman could lay himself open by a statement which admitted of such ready answer. For lord Somers, in the very same document to which the right hon. gentleman had referred, used these very words:—"The lords look upon the fixing a qualification for places of trust to be a duty so entirely lodged in the legislature, that, without going so far even as to assign any reason, a government may put such rules, restraints, and conditions, on those who serve in any place of trust as it sees cause for: but penalty or punishment is of another nature." Then here, it appeared, lord Somers himself distinctly laid down the difference between the penalty imposed in the case which he first alluded to upon the Dissenters, and that to which the Catholics were liable, which arose out of their inability to take an oath. But he went on to speak of the Catholics by name; for he said—"Popery has ever been looked upon as that which we ought most to fear and guard against, being our most restless and formidable enemy; and therefore there has always been held to be a wide difference between the case of the Papists, and the Protestant Dissenters."

To quit, however, the question as to lord Somers, which went only to the declaration of an individual, however highly gifted, he was anxious to say a few words more, to show the House how impossible it was that the Catholics themselves could have contemplated an entire freedom from all disabilities, by the terms of the Treaty of Limerick. He had already commented upon the vague and unsatisfactory terms in which that treaty was couched, for the purposes for which it was now desired to use it. Would it be believed, that the Catholics would have trusted to such terms—that they were not capable of having clearly explained and stated, all that they expected to be permitted to enjoy? Let the House look to the treaties signed about the same period—at the treaty with the marquis of Ormond, for instance, which was made in 1648. And it must be recollected, that all these treaties must be construed, where any thing as to which a question could be raised appeared upon them, with reference, not to the state of the law and of general affairs at the present day, but to the condition of things at the time when they were executed. Where "toleration," for instance, was promised, it became necessary to look back to what would be considered as toleration in that day. The first article, therefore, of the Treaty of Limerick, which undertook to preserve the Roman Catholics from any molestation on account of their religious faith, must be taken with reference to the laws of queen Elizabeth, which made it penal to deny the queen's supremacy, and enforced the uniformity of Common Prayer. By those laws, every subject was compelled, on pain of penalties, to attend the worship of the Established Church: the maintenance of the authority of the pope subjected a Catholic to punishment. It was with reference to this state of things that the promise of full toleration to the

Catholics must be considered. They said, "Give us toleration: give us the full privilege of exercising our religion—relief from penalties, in case we do not choose to attend the Church of England, and freedom from fine, if we assert the supremacy of the Church of Rome." This was asked, and this was granted; but it was widely different from the grant of free admission to political power. But, in the year 1648, a treaty was concluded with the marquis of Ormond. A short glance at this document would show, that the Catholics knew how to explain their meaning, and to obtain competent guarantees for what they wanted. By the first article of this treaty, it was stipulated—"That all and every the professors of the Roman Catholic religion within the said kingdom, shall be free and exempt from all mulcts, penalties, restraints, and inhibitions that are or may be imposed upon them by any law, statute, usage, or custom whatsoever, for or concerning the free exercise of the Roman Catholic religion; and that it shall be likewise enacted, that the said Roman Catholics, or any of them, shall not be questioned or molested in their persons, goods, or estates, for any matter or cause whatsoever, for, concerning, or by reason of, the free exercise of their religion, by virtue of any power, authority, statute, law, or usage, whatsoever." Why, these words were at least far more full and comprehensive than the words of the Treaty of Limerick. But, were the Catholics satisfied with these words? Did they feel them a sufficient security? No: they made a further article to the treaty—the fifth—which declared, that—"It is likewise concluded, accorded, and agreed, and his Majesty is graciously pleased, that as soon as possible may be, all impediments which may hinder the said Roman Catholics to sit or vote in the next intended Parliament, or to choose or to be chosen knights and burgesses to sit and vote there, shall be removed, and that before the said Parliament." Then forty years earlier than the Treaty of Limerick, when the Catholics meant to treat for political privileges, did they trust to a vague and uncertain description of their rights? They did not. They declared distinctly what it was that they desired to have granted to them; and in the body of the treaty those rights, in plain direct words, and not accruing by any inference, appeared.

But, to add one word more upon the Treaty of Limerick—to take it upon its own merits since it had been relied on: as it seemed to him (Mr. Peel), the argument of the hon. member for Dublin, as to the proclamation which had preceded that treaty, was decisive upon it. This proclamation, which was published on the 7th of July, 1691, the Treaty of Limerick being signed on the 3rd of October, warranted those, who accepted the offer of conditional submission which is held out to them that they should have nothing to fear on account of their religious opinions; and pointed out to them, the extent of toleration enjoyed by Catholics in England. Now, had the Catholics of England at that time access to political offices? The whole House would be aware that they had not. But, to go even further than this, if, upon a proposition so plain, any thing further could be necessary:—one of the conditions proposed by the Catholics in Limerick (by sir Toby Butler) for capitulation, was, "That the Irish Papists should be capable of holding military and civil offices." That proposition the besieging general Ginckel, rejected, because it was contrary to the law of England; he erected a fresh battery on the same day, and pressed the town; and the consequence was, that twelve other articles of capitulation were constructed by himself, and accepted by the Catholics. Why, then, after absolutely refusing the Catholics the right of holding military offices in one capitulation, was it possible to say, on the authority of at most a vague and indefinite expression, that he gave them that right, and ten times more, directly after by another? The question did not pass *sub silentio*: it was discussed in the English House of Peers. Here, then, was parliament on the 22nd of October, before the ratification of the treaty, discussing the subject of the introduction into Ireland of the Oaths of Abjuration and Supremacy. It was unnecessary for him to enter into a grave consideration of this question: but he would ask whether, whatever might be the circumstances of the English parliament, it could be supposed that any set of men of eminent character would, two weeks after a treaty which gave up Limerick, consent to violate the conditions of that treaty, and that the subject should not be even questioned? There was a conference, too, and lord Rochester reported from the committee of the Lords the reasons of dissent, with regard to the proviso in the treaty brought down to the Lords by the earl of Nottingham. The question of the treaty was, therefore, under consideration. The Tory party did insist, that the proviso ought to be allowed: but there was no exception as to any party's admission into parliament. He made these observations to show that the question did not pass *sub silentio.* Whether the Catholics had or had not seats in parliament in the time of Charles 2nd—a point which, he admitted, would weigh in their favour if the fact were so—was a question which never entered into discussion; the question related to the free exercise of their religion without molestation. Having stated the grounds upon which he had come to the deliberate conclusion, that neither party considered the question of admitting the Catholics into parliament as the point in dispute, he should now close this part of the subject, and should never hereafter mention the Treaty of Limerick.

Now, one word as to a more recent period of our history. The hon. baronet who introduced the subject had contended, that at the Union although there was no express engagement entered into by the legislature, still government did induce the Roman Catholics of Ireland to entertain a firm persuasion, that after the Union they would be admitted to all the privileges of British subjects, and that thereby they were prevailed upon to support the measure. It was impossible to deny, that, after the Union, an attempt was made to introduce a condition for the admission of the Roman Catholics into parliament, which was left to Mr. Pitt. The Roman Catholics, no doubt, did entertain a persuasion, which certainly influenced them, that the Union would facilitate the question; and Mr. Pitt thought that there would be less difficulty in discussing such a question in the United parliament. But he must deny that Mr. Pitt, lord Cornwallis, or lord Castlereagh, gave any engagement, express or implied, or did any act binding on honourable men which implied a pledge for the admission of the Irish Catholics to parliament. It was right, for the sake of the credit of distinguished men, that this blot of bad faith should not rest upon their characters, or be suffered to influence the present deliberations of parliament; and therefore it was that he thought it incumbent upon him to rescue their names from obloquy. It had been said, that Mr. Pitt sent in his resignation, and that lord Cornwallis and lord Castlereagh resigned, because the pledges they had given had not been redeemed. The right hon. member for Kerry might, if he pleased, answer for those personages, but he (Mr. Peel) thought it would be more satisfactory that they should be brought forward to answer for themselves. They denied that any pledge was given. He was satisfied that if the member for Kerry who spoke last night, had thought that there was an obligation to resign office on this ground, he would have resigned himself. He, however, continued in office after that event; and therefore he was entitled to assume that he thought there was no obligation to resign. Lord Castlereagh and lord Cornwallis proved that they conceived there was no obligation to resign, for they distinctly denied that such was the cause of their resignation. They admitted that they attached great importance to the question; and they also admitted that the rejection of the advice they had given rendered it necessary that they should resign their places as ministers; but there was a manifest difference between resigning because their sovereign did not receive their advice, and resigning because they had given a pledge which they found it impossible to redeem. Whatever inference the right hon. gentleman had derived from the resignation of Mr. Pitt's ministry, he (Mr. Peel) must place greater confidence in the declarations of Mr. Pitt himself and his coadjutors. In the year 1801, immediately after his resignation, Mr. Pitt stated that he had entertained a belief that the Union would facilitate the question, but he denied that any pledge whatsoever had been given to the Roman Catholics. In 1805, when Mr. Pitt was in office again, and when the subject of the Catholics of Ireland was brought forward by Mr. Fox, he well recollected, (for he had heard the debate under the gallery) Mr. Pitt again repeated, that no pledge or engagement whatever had been given by him; and he then expressly used these words:—"I therefore approach the discussion of this question perfectly free and unfettered." If this, then, was the fact, it was impossible to argue that we were prevented, by a regard for justice and good faith, from treating this as a question of policy, but were concluded by a pledge given at the Union. The strongest evidence on the subject was certainly the declarations of the parties to that arrangement, from whom the engagement must have proceeded, and in whose asseverations he did not hesitate to place unbounded confidence. Lord Castlereagh, in 1810, when challenged upon the subject in this House, had said, that lord Cornwallis had never considered any pledge or assurance to have been given, he had the means of proving it beyond the possibility of doubt, from a communication received from that noble lord in 1801, in reply to inquiries made by himself, relative to two papers which were circulated in Ireland at that time, and which he had never seen till they appeared in print. The principle upon which lord Cornwallis acted was, that the measure, to be either conciliatory, or dignified, ought to be the spontaneous and gratuitous act of the legislature. Two papers had, in fact, been issued; but neither lord Cornwallis nor lord Castlereagh had been a party to those papers. Lord Castlereagh applied to lord Cornwallis on the subject, and received a communication to this effect:—"When it was notified to the lord lieutenant that Mr. Pitt, lord Grenville, lord Spencer, lord Camden, Mr. Dundas, and Mr. Windham, had requested permission to retire from His Majesty's councils, upon their not being sanctioned in bringing forward such measures as they thought essential to secure to the empire the full benefit of the Union, the most important of which measures was a concession of further privileges to the Roman Catholics, his excellency conceived that it was expedient that the Catholic body should have an authentic communication upon a subject so deeply affecting their interests, and so calculated to influence their future conduct." The House should listen to this communication from lord Cornwallis to lord Castlereagh:—"Lord Cornwallis had long held it as his private opinion that the measure intended by those of His Majesty's ministers who were retiring from office was necessary for securing the connexion of Ireland with Great Britain. He had, however, been cautious in his language on the subject, and had studiously avoided any declaration to the Catholics, on which they could raise an expectation that their wishes were to be conceded." Here was a positive denial from a gentleman, not only that no pledge was given, but that no expectation was held out, in consequence of their compliance with the views of government. Lord Cornwallis added—"Through the whole measure of the Union, which was in discussion for two years, and during which period every effort was made to procure a resistance to the measure on the part of the whole body of the Catholics, no favourable assurance or promise was made to them." Now, was it possible that lord Cornwallis could have made that statement, if any expectation had been held out to the Catholics with a view of procuring their support to the Union? With regard to lord Castlereagh, he would appeal to any one in that House, whether there could be a man who entertained a nicer sense of honour, and whether it could be believed that he was a party to holding out such false expectations. Would any man believe that lord Castlereagh would have read this statement if he had been a party? In 1810 lord Castlereagh said,—"So anxiously solicitous was the Irish government not to mislead the Catholics with false hopes, that they never gave them, during the two years the Union was in agitation, any reason to know what line Mr. Pitt was likely ultimately to take upon this measure." In consequence of this studious reserve on the part of the government, much of the influence of the Roman Catholic body was exerted against the Union; and so little did the Roman Catholics, who had been in communication with the Irish government, feel themselves entitled, from any previous explanations they had received, to expect Mr. Pitt to take the decisive line he did in favour of their claims, that he believed his doing so was a matter of considerable surprise to them. Now, he must really beg leave to place the testimony of Mr. Pitt, lord Cornwallis, and lord Castlereagh, with respect to the measures they brought forward, against any counter-declarations, or any inferences from conversations. He placed confidence in their statements, and he therefore did not think that there would be any violation of faith, if the House did not adopt the measure submitted by the hon. baronet.

As to the expressions in the king's speech to parliament, it should be recollected what was the state of Ireland in 1800, a country torn by discord, and in which martial law was at that very period in force. There was nothing more natural than for a king of England to express a strong hope that such country would, by the measure in question, "enjoy the blessings of the British constitution." But would it be contended, that this phrase signified, "I mean to remove all the disabilities under which its inhabitants labour?" He felt confident it could never be supposed that Mr. Pitt would have suggested equivocal language on this occasion, or that His Majesty would have condescended to use it. He agreed that national faith overruled all questions of policy; and if he could admit that a contract was in existence at the period of the Union, he should be a willing party to the fulfilment of it.

With respect to the general question, he had on so many occasions stated his deliberate opinion upon it, that he felt it to be scarcely necessary to do more than refer to what he had repeatedly stated, and to declare his firm adherence thereto. He considered it an important question in point of policy (dismissing the questions of justice and good faith) as it affected the general constitution of the country, and with reference to its bearing on the prosperity of the empire. With respect to the first, he must say, that he thought the removal of all civil disabilities, and the laying down of this principle, that there should be no distinction in respect to religious opinions, and no barrier between a professor of the Roman Catholic faith and that of the Protestant Established Church, was a material change in the constitution of the country. There were limitations, it was true, in this as well as every other proposition, as to the degree of change. If the constitution was considered to be the king, lords, and commons, it would be subverting that constitution to admit Roman Catholics to the privileges they sought; it would be an important change in the state of the consitution as established at the Revolution. It was most undoubtedly intended, at that time, permanently to settle the constitution of this country, so far as to connect it inseparably with the Protestant Established Church, and to exclude the professors of the Roman Catholic religion from those offices which constituted the secular government of the country. With reference to the act which had received the royal assent that day, he meant the act for removing the Sacramental Test, he thought it rather unfair that the right hon. gentleman who spoke last, should call upon those who supported that measure to give their vote on the ground of consistency, to this. He distinctly recollected that, when the noble lord submitted that proposition to the House, he expressly stated, that his object was to give relief to Protestant Dissenters, and that no member who supported that proposition was in the slightest degree concluded, with respect to the Catholic question. He should take his part without reference to this point, but he thought it unfair of the right hon. gentleman, to endeavour to take advantage of this concession. The Protestant Dissenters stood in a very different situation, with regard to our constitution, from the Catholics. In 1688, although the government had then the experience of recent events, and might well recollect what had happened under Charles the 1st, yet king William and his ministers were anxious to give relief to the Protestant Dissenters. After the accession of the House of Hanover, it was several times proposed to parliament, and all the princes of that House, but particularly George 2nd, took considerable pains to procure the abolition of the disabilities which applied to the Protestant Dissenters. He was also prepared to state, that they were bound with us, as dissenting from the Church of Rome, and though unfortunately, they were not in communion with the Established Church, they, like us, protested against the corruptions of the Catholic faith. He was therefore prepared to contend, that the question was very different, as to the Protestant Dissenters and as to the Roman Catholics. It appeared that we were to remove these disabilities, and then to open the constitution to the Catholics. He wished to argue this question with that forbearance and moderation which had been shewn in introducing it, but he was, at the same time, bound to state his opinions conscientiously, firmly, and honestly. If we admitted Catholics into parliament, we should remove every link but one which now bound the Protestant faith with the constitution in Church and State; every link but one, that which required the person who wore the crown to be a member of the Established Church. There were, indeed, the bishops in the House of Lords; but besides that, the only link between the Protestant faith and the constitution of the country would be His Majesty being a Protestant. What, then, he asked, would there be to protect the Protestant Church. He made a clear distinction between the laws of mere exclusion and those penal statutes passed on subsequent occasions. The policy of excluding Catholics from being members of a Protestant legislature was emphatically expressed in the words of the law to make the English Protestant Church a part of the State, and give the persons composing that church an over-ruling influence in the state. This was the object of those disabilities, and our Protestant State would be changed in its most important character, if those disabilities were repealed.

We were told, indeed, that the religion against which those laws were passed no longer existed, that the tenets formerly avowed were now disavowed, and that the Catholic Church was entirely changed, and its character altered. His hon. friend, who spoke last night, with language more forcible than was generally used in that House, had described it as a tiger, which the rising sun of knowledge had not killed, indeed, but driven to his den. But how did he know, that the knowledge which had driven this tiger to his den, had not been cherished by those disabilities, which we were now required to remove? How did he know that priestly ascendancy would not again take possession of the land, if we gave to the Catholics political power? How did he know that if they removed the guards that had hitherto protected the civil and religious liberties of this country, that they would not fall under the power of the Catholic Church? And what proof have they that the bitter and usurping spirit of that church had not been curbed and mitigated by the very laws we were now called on to remove? We were told, indeed, by the hon. member for Dublin, of the tendency of that religion to adapt itself to changes of circumstances; and how did he know, if he now removed the disabilities imposed on its professors, that he might not have to meet it under a new form? We were told also, that England was the only country which still retained these exclusive laws; that there was no country on the continent where they were not abolished; and we were called on to imitate those countries, and to remove all the disabilities which now prevented people of any religion from holding office. But were we prepared to imitate those countries in all things? Should we, or could we, follow the example of the other states of Europe? We were taunted, indeed, with our refusal, but if the example was good for any thing it must be good throughout. We ought to follow it without limit. But the hon. baronet, who recommended this, had not told us of the difference between those countries and this, nor of the precautions and securities they had taken against the members of the Roman Catholic Church. Was he prepared to recommend similar precautions and similar securities? Was the country prepared to adopt them? Would he counsel us to impose them on the Catholics? He thought not; for he seemed to attach no importance to them, and spoke of them last night as things of less moment than the amulet which was sometimes hung around a child's neck, or even the horse-shoe which was sometimes nailed up at a door. He could not agree with the hon. baronet in those opinions He could not consent to open wide the door of political power to the Roman Catholics; he could not consent to give them civil rights and privileges equal to those possessed by their Protestant countrymen; because, after taking the most deliberate view he was able to take of the relation which the Roman Catholics bore to the rest of the community, he was persuaded that the removal of their disabilities would be attended by a danger to the Protestant religion, against which it would be impossible to find any security equal to that of our present Protestant constitution. This country would be exposed to greater dangers in that respect, than any other country in the world. Take the case of Prussia. In Prussia, where undoubtedly the civil disabilities of the Catholics were removed, the Catholic benefices were endowed by the State, the appointments to them were not under the control of the pope; the nominations were by the king. In Ireland, however, it was evident that the greatest discontent would follow any attempt on the part of the government to assume a similar power. Under those circumstances, it appeared to him, that in the relation which the Roman Catholics bore to the State, there would be a perpetual struggle for ascendancy between them and the Protestants; and that even if the Protestants were to be successful in that struggle, the evils attendant on the contest would be manifold and serious. In the Netherlands again; although the positive nomination was not in the Crown, the Crown enjoyed a veto, to a much greater extent than that which was proposed with reference to the Roman Catholics in this country, and declined. The king of the Netherlands had the power to reject any name in the list presented to him, provided he left enough for the constitution of a chapter. In Hanover, also, the same power existed on the part of the government. He said, therefore, that there was no country in which the Roman Catholics had been admitted to a participation of political power with the Protestants, which was in the situation in which this country would be placed by the proposition which the hon. baronet wished the House to adopt.

It was true that we had now no Pretender to fear. It was true that the power of the pope was not so extensive as it was in former times. But were we entirely to forget the lessons of experience, and to leave out of our consideration the pernicious influence which the tenets of the Roman Catholic religion had been so repeatedly found to exercise on civil society? The alteration proposed by the hon. baronet would tend to the destruction of that which we had obtained by the Revolution, and which it was incumbent on us to preserve; namely, the Protestant character of the constitution of the state. Let the painful situation in which the Protestant monarch of this country would be placed, by the destruction of all the existing barriers between the Roman Catholics and unlimited political power, be for a moment considered. And here he begged to observe that the question had been argued by persons who differed in opinion from him, and those who thought with him on the subject, as if they were anxious to secure to themselves all the temporalities of religion. For them and for himself, he totally disclaimed any such low and vulgar objects. What they wanted was, to preserve inviolate the Protestant character of the constitution. Feeling that in the present relations of the Roman Catholic and the Protestant religion, the one or the other must have the ascendancy; they were desirous that that ascendancy—a qualified and moderate ascendancy—should belong to the Protestant Church. By the word "ascendancy," he would not be understood to mean any thing obnoxious or invidious; but merely that the great offices of the state should be in the hands of Protestants; because that he considered necessary to prevent the struggles for political power which must otherwise ensue.

When he heard it said, that there was little difference between the tenets of the Roman Catholic faith and the pure religion which we professed, he confessed that he listened to the assertion with some surprise. He did not mean to say that, on the score of religious opinions alone, any man ought to be excluded from civil offices; but he felt alarm and distrust when he was told, "their religion is nearly as good as your own: their doctrine of absolution does not differ much from that in your Church: you have your creed of St. Athanasius, if they have their opinions on exclusive salvation; and therefore you ought to admit them." All the apprehensions he had entertained were confirmed—all his fears increased—when he heard it asserted, that there was no tangible difference between that pure faith which he professed, and the Roman Catholic religion [Cries of "No, no"]. He had heard this argument used, and he would not be prevented from replying to it. He had heard the hon. baronet last night attempt to show, that there was no such difference between the two systems of religion as warranted the exclusion of the Catholics. He had said, that such difference as did exist was not sufficient to warrant any hesitation in granting the concession which they claimed. Now, he would say, that there was. The Protestants by their very name protested against the false doctrines of the Romish Church, and the distinction between them was open, palpable, and of great importance. So much for the general argument as it bore upon the constitution. As it bore upon Ireland, he confessed that it was a subject of the deepest interest, at the same time that it was one of the most painful nature. He wished he could see a prospect of tranquillizing Ireland, by the removal of the disabilities complained of. If he could, he was ready to repeat the expressions he had used on a former occasion, and which had been recently alluded to in the House. He would do all in his power, if he could once see that prospect, to effect the removal of those disabilities. But it was because he doubted,—because he in no degree believed that that measure would have the effect of restoring peace and harmony to Ireland, that he gave it his strenuous opposition. He had heard every gentleman who had spoken on this subject say he wished to maintain inviolate the established Church and the Protestant constitution. Confiding in the sincerity of this profession, he said in reply, then it would not be safe to admit to equal eligibility for power that large majority of the population of Ireland who professed a faith and doctrines hostile to the Established Church and constitution. He did not deny that to reject the claims of those persons was an evil; but the alternative was so pregnant with still greater evil, that he could not accept it. It was said that the Catholic population of Ireland consisted of five or six millions, and that the Protestants amounted to five or six hundred thousands. No doubt the numbers were greatly mis-stated; but it could not be questioned that the disproportion was immense. It was proposed, then, that the established religion, which was that of the minority, should be continued, but that the possession of power should be opened to all. It was impossible, when this proposition was made, for him not to ask himself, how the power which was possessed by this great majority was now exercised. What were the declarations, both of the laity and the priesthood. What, he asked, was to be hoped for from such declarations? Did they furnish any ground for believing, that if this question were carried there would be a permanent settlement of the cause of disquiet, and that the maintenance of that establishment, for the welfare of which every one professed himself to be anxious, would be effected? They had been told by the right hon. member for Kerry, that there was a combination of civil and spiritual influence: and what security was there that the same combination would not exist? They must give credit to the statement, for it came from unquestionable authority; they could not doubt the intentions of the Catholics; for never had fairer notice been given of those intentions. The House were told that they were the cause of this. But were they not justified in the caution they had persisted in using? Had they not cause for the apprehensions they entertained, when they saw the manner in which the Catholics used their present power? Let the House look at all the attempts which had of late been made to improve the condition of the people of Ireland, and the manner in which they had been received. The sub-letting act was one remarkable example. That measure had been devised upon a principle which was solely for their benefit; and yet the motives of the persons who had brought it forward had been grossly misrepresented. The law relating to vestries was another similar instance, and that for settling the disputes respecting burials, which was brought in by lord Plunkett in the pure spirit of peace and conciliation, had been equally ungraciously received. When every one of those measures had been so treated, and when each of them had given occasion to an attempt to poison the public mind, he could not persuade himself that, if the result of this debate should be to carry the proposed measure, it would be more efficacious in restoring harmony and tranquillity than those which had gone before it. The removal of the disabilities which at present existed would, if it should be resolved upon, effect a most important change in the circumstances of Ireland. The power which the Roman Catholics of that country sought, was of two different descriptions. First, they required to be eligible for political offices; and that would of course leave it in the discretion of the Crown whether to appoint them to those offices or not. The Crown could not be required to confer them, but if it refused to do so, the exclusion would be felt to be, and in fact would be, much more galling and injurious than in its present shape. The other species of power, and over which the government could have no control, was that derived from the people themselves. Seats in parliament were of this description, and of these, whatever modification might be adopted, the great majority would always be Roman Catholics. At present they were represented by Protestant agents. He did not think that those agents were, as his hon. friend (Mr. Doherty) had characterized them, blind and unreasoning: but it was impossible to contend that the Catholics would be less earnestly represented by themselves than by their agents. Corporate offices were also of this latter description. There were one hundred and fifteen corporations in Ireland, and he had seen a calculation, by which it appeared that there were two thousand five hundred offices connected with them. These would all be open to Catholics. There could be no doubt that to obtain them would be an object of ambition to Catholics. Looking to their number, it was not more questionable, that they would be able to attain their object, and to get into their hands the greatest part of the corporations and corporate offices. The consequence must be, a transfer of the power from Protestants to Catholics, and it was in vain to deny that the effect must be mischievous to that establishment and constitution which it was the duty of every Protestant to preserve. If the result were to be harmony and peace, well and good, the argument would be conclusive; but if this were not to be the case—and he was not prepared to say that it would—there was enough in the circumstances of Ireland (without taking into the account, any thing that related to the differences in religious opinions), to induce every man to fear, considering the quantity of power which would then be in the hands of the Catholics, and the manner in which the power they now possessed was exercised, that such an increase of power would produce disastrous results. He did not believe that such a measure could conduce to the maintenance of the Protestant establishment in Ireland. Fresh causes of discontent would be daily arising. Look at the conduct of the Catholic clergy now that they did not possess power, and upon subjects which bore immediate reference to religion; for example, on education and marriage. The Roman Catholic bishops had declared, that they would do all in their power to discourage marriages between Catholics and Protestants—not because of any dislike to the Protestants for private and personal reasons, but because they insisted as a condition, that all the children of such marriages should be educated in the Catholic faith—a condition which altogether prevented that intermixture between the two classes, which was so well calculated to mitigate their animosities. It was in vain to say, looking at these circumstances—looking at the conduct of the Catholic priesthood, and at the demonstrations of physical strength which had lately been made, that there was no reason for distrust. What did the calling together the people of Ireland on one day mean? For what purpose was such a measure resorted to, if it was not for the purpose of intimidation? Astute lawyers might excuse such a practice under the strict letter of the Statutes; but he was convinced that it formed an insuperable bar in the minds of Protestants, to that conciliation which was attempted to be effected. It might be possible, he thought, to take an intermediate line between granting any further political privileges to the Catholics, and the re-enactment of those penal laws which they were told would be the only alternative, if entire emancipation should now be rejected. He saw no implied stigma in withholding from the Catholics that power which there was reason to fear would be injuriously exercised against the Protestant Establishment. He could discover in this nothing of unjust or stigmatizing persecution, although if the balance of real persecution were to be struck, the Roman Catholics would not be the persons who would have to complain.

He had now gone through the various topics connected with this question, and had stated the grounds upon which he had acted, and upon which he avowed his intention of still acting. He had never resorted to any unfair opposition of the claims of the Catholics. The statement of his opinion he had reserved for this place; he had never attempted to rouse any religious feeling against them, because he thought it would have been wrong to do so, and because he thought the House was the only proper place in which this question could be decided on its true grounds. He had treated with constant respect the petitions which had been presented on the subject, and had brought them before the House whenever he had been requested to do so. He had always been the steady and consistent opponent of the measure, but not without deeply considering it. Retaining his opinions, he should sit down as he had begun, with stating, notwithstanding the high authorities which were cited in opposition to him, that, in the present balanced state of the government and of the parliament, it was not just nor expedient that the Roman Catholics and the Protestants of Ireland should stand, in respect of civil offices, on precisely the same footing.

Lord *W. Paget* said, he should vote for the motion of the hon. baronet, and felt convinced that, if the Catholics were admitted to equal rights, they would prove as loyal and as grateful subjects as any in the realm. He was anxious to vote in favour of a cause, the success of which he conscientiously felt to be intimately connected with the peace and prosperity of Ireland, and the well-being of the empire.

Mr. *M. Fitzgerald* rose to explain. The right hon. gentleman, he said, appeared to think that he had stated his belief of the existence of a combination among the Catholic population of Ireland, excited by the influence of the priesthood. Now, what he said was, that the spiritual influence of the Catholic priests was under the political dominion of the Catholic leaders, and that the entire population was organized to a man in a spirit of disaffection to this country. The right hon. Secretary had also stated his disbelief, that he (Mr. M. Fitzgerald) would have consented to retain office, if he considered that the ground on which Mr. Pitt resigned was connected with the objection of the Catholic question. Now, he had tendered his resignation, and was only induced to retain office by the assurance that the object of Mr. Pitt and his friends was, that the friends of the Catholics should continue to hold the situations which they occupied at the period of his resignation; because by this means it was more likely that their end might be attained, than by withdrawing from the public service.

Mr. *Brownlow* said, that when he considered the manner in which the question had been introduced to the notice of the House by the hon. baronet, and reflected on the way in which it had been conducted up to the present moment, he could not but entertain a hope of its ultimate success. He should not say one word in relation to the Treaty of Limerick. The right hon. gentleman, after what had been adduced by the hon. baronet on the subject, was, no doubt, justified in discussing it in the copious manner he had that night done. At all events, he could readily conceive how much easier and more agreeable it was to do so, than, as a British minister, to deal with the necessities of the present case and period. With respect to the Union it was not his intention to add any thing to what had been already said. It might be desirable to know what were the views of Mr. Pitt and the cabinet of the day in regard to the connection between that measure and Catholic Emancipation; but it was still more important to learn what the right hon. gentleman opposite and the present cabinet were disposed to do with respect to the latter question. The proposition of the hon. baronet affected the interests of seven millions of people, who came before the House, praying to be admitted to equal rights with the rest of their fellow-subjects. He never could admit that there was any thing unconstitutional in the case which the petitioners brought before the House. It was certainly the duty of a government to protect itself from those holding opinions hostile to its interests. No one, for instance, would give the office of chancellor of the Exchequer to an Anabaptist, who held that all things should be in common. But he denied that such reasoning had application to the present question. The Solicitor-general had dealt abundantly in mysterious hints, although he had not stated any broad reason why the Catholic claims should be rejected. It had been formerly said, that this body held a divided allegiance. Nothing of that nature, he was happy to find, had been imputed this evening. Had the charge been brought forward, it would only have sent abroad the information, that Ireland was the vulnerable part of the empire, the place where British power was the weakest, and most open to the attacks of our enemies. Lord Liverpool had said, two years ago, that Ireland was a place where the liberties and the glory of England could be overthrown. It had been said, that the king gave a divided protection to Ireland, and that Ireland gave but half its allegiance to the king; that in Ireland every subject was a traitor, and the king a tyrant. He had heard nothing of the sort this night; but if this were not the case, the present was a system of religious persecution. It was impossible for any person who came from Ireland to explain the state of that country. If the House thought the present to be the cause of a few orators and politicians they were much mistaken, and by their mistake they would only make the danger greater. Catholic Emancipation was the popular hope of Ireland; and like all other popular hopes, it was impatient of delay and contradiction. They clung to it the more tenaciously in the midst of their misfortunes, and had not been disheartened by disappointment and rejection. He would remind the House of the case of Spain and her American colonies, in 1809, when lord Wellesley was at Madrid in the capacity of a mediator. The South Americans complained of unmerited disqualifications. They solicited redress, as the Irish Catholics petitioned England. "Remove those restrictions, and we will fill your coffers with our wealth—we will nerve your arm against the enemy." So said the Irish Catholics. But "the deaf adders would not hear the voice of the charmer, charm he never so wisely." Spain rejected the claims, and thereby lost one of the fairest realms annexed to a European Crown. Were this question carried in favour of the Irish nation, how different would be the aspect of affairs in that miserable country!

With security must flow in capital; with capital employment; and with employment wealth. The body were daily increasing in numbers, knowledge, and importance. Those men whose name, in the words of lord Plunkett, had a power to bear them ever buoyant down the stream of time, were their advocates. There had been repeated decisions of the House in their favour, and there was no reason why it should now reverse its former judgments. It was impossible to settle the question except by the concession, and by identifying the views of Great Britain with the interests of the Irish people. He would say, that the British constitution did not exist in Ireland; for the Irish lived under the Catholic Association and the Catholic priesthood of Ireland, and the British constitution was there tumbling to pieces. He had the honour of representing a county which was called the most Protestant county in Ireland, and he would assure the House that he was not speaking for the Catholics alone, but also for the Protestants; who, in the present state of things, were hemmed in on all sides by enemies. The Catholics complained, that they were treated with unkindness, while their Protestant neighbours were treated with too much kindness; hence dissentions arose, which placed the latter in a state of the greatest danger; and nothing, he was convinced, could remove that danger, but the placing of Catholics and Protestants on terms of equality. Let the House make it the interest of the Catholics to obey the laws, and he pledged himself they would as cheerfully submit to them as any other class of the community. Let the measure be conceded whilst there was yet time, and it would be received by the people of Ireland with all the gratitude that it deserved. It had been urged that it would be attended with danger to the Established Church. This he did not believe. If the Catholics, when this measure had passed, should violate the laws, let them be punished. If they attempted to compass that which they had no right to do, then the laws would reach them. With such opinions as these he should go into the committee. If the House would repeal the remnant of those intolerant laws which remained on the Statute-book respecting the Roman Catholics, the country would be secure. No security could be calculated upon, so long as they were permitted to remain. The whole must be repealed, if peace were expected. Not a single fibre of the cancer ought to remain. The fetters which still bound the Irish Roman Catholics must be torn asunder, otherwise no permanent satisfaction could be hoped for. The remnant of those laws must be repealed. Justice demanded, and safety required, such a course to be adopted. Then would the Roman Catholics of Ireland, who were deeply attached to the constitution, and as disposed as any of his majesty's subjects to obedience, be satisfied. Their claims were placed on a foundation which could not be shaken — they were founded in justice.

The Hon. *William Lamb* said, that the situation which he had the honour to hold in the government of Ireland, imposed upon him the necessity of trespassing, for a short period, upon the attention of hon. members; and he could not avoid feeling that the repeated discussions of this question—argued, as it had been, over and over, and considered in every possible point of view—justified him in the determination to be brief in his observations; and, considering this question, as he should do, with reference to the times in which we lived, and the circumstances under which we were now called upon to consider it, he felt himself bound to exclude many of those topics which had been, on former occasions, introduced. He should leave out of his arguments all those laws passed at the Reformation and the Revolution; not because he had no respect for those laws, but because, if parliament should think that they were irreconcileable with present times, and that it would be wise to change them, parliament had unquestionably the power so to do. Those laws were not irrevocable, and might be changed. He should also omit from his arguments all comments on the spirit manifested by the Roman Catholic laity and clergy; because if he admitted it was hostile and to be condemned, his opinion was, that it was aggravated by exclusion, and might be softened by conciliation. The only means of meeting, the certain method of averting, all danger was by some such measure as that proposed by the hon. baronet. If the removal of disqualifications was to be considered as not consistent with a Protestant government, he should deeply regret it; because it would not augur well for the future peace and tranquillity of the country. He would say to the British House of commons, "do not let us raise the flag of discord in our own territory; do not let us create divisions and dissentions among our own people; do not let us light the torch of religious animosity, which may be converted into a consuming fire. It is your duty to do all you can to amalgamate, and nothing to divide. By amalgamating alone you can expect to prosper. There will be difficulties enough to arise without your adding to the number:— there will be dangers enough to encounter without your inviting their increase." He was sure he had never said, he was sure he had never felt, that there were no difficulties in the way of this great and important question. He knew that there were difficulties. If it had been an easy and a simple question it would have been settled long ago. His right hon. friend had pointed out some of those difficulties, the existence of which he did not deny; all he denied was, that right hon. gentleman's conclusion. He had pointed out many anomalies; but upon a question of such paramount importance, involving so many interests, and enlisting on its side, or creating against it, so many prejudices, was it possible that there should not be some anomalies, was it possible that there should not be some risk. Nor did he deny that some difficulties arose in consequence of the intemperance of the Catholics themselves, and the still greater intemperance of those who professed to be their leaders. Upon this topic he would not express himself in stronger language; not because he did not hold a strong opinion, but because he was not desirous of introducing such a matter into the observations he meant to address to the House. It had been always said, and it was a main argument of the right hon. gentleman, that though you incur much danger, you obtain no result,— that you run much risk in Ireland, yet that you give no satisfaction there. Now, the real danger, and certainly the most plausible danger, was that which had been stated by the hon. member for Louth, (Mr. L. Foster,) and adopted by another hon. gentleman—the danger to be apprehended through parliament. No power that could be given to corporations could produce any ill effect, except so far as it gave a power of introducing Catholic members into parliament. An hon. member had stated the number of members elected by the influence of the Roman Catholics. With respect to that number, it must depend on the growing means of the Roman Catholics, and on the fitness of individuals to fill such high stations as representatives of the people; for it was not to be supposed, that to unfit persons would be delegated so important a duty. The same hon. member had drawn a picture of the danger that might arise from a union of Roman Catholic members in the House of Commons. Now, the extent of that number, it was not worth his while to state; but one thing he must deny—their union. He denied that they were at all likely to act in concert. They would be divided by circumstances, by peculiarity of temperament, and by the thousand other circumstances by which mankind were invariably divided. In this opinion he was borne out by the fact, that there was in that House a body, bound together by a religious union, but who had never been found to act together except upon questions with which their religion was concerned. With respect to Scotland, also, it would be remembered, that we had to encounter those whose views were more opposed to the Established Church than those of the Roman Catholics, and that the legislature had been once asked, whether it would encounter the danger to be apprehended from the admission of sixteen peers and forty-five commoners to the united parliament of Great Britain. This danger vanished with the carrying of the measure; and they had been never heard of, as combining together for the purpose of injuring the Established Church. He did not say that the granting this measure would heal all the wounds, or remedy all the evils of Ireland. Many other causes existed to which those wounds and those evils might be attributed, but this he did say, that it would give rise to a general feeling, that justice had been done, and this would be a ray of light which would illume the darkest cabin of that country. We had been told, that we should do no good to the Catholics, and give no satisfaction to the Protestants, by granting this measure. He thought very differently. He was ready to admit that prejudices did exist, on the part of the Protestants of Ireland, and in those prejudices he was disposed to sympathise; but, as they were founded in error, they would rapidly pass away; but the satisfaction that would arise, as it had its root in the best, the noblest, and the proudest, feelings of man, so it would be, like the foundation on which it was fixed, permanent and eternal. With respect to those gentlemen whose minds had been made up upon this question, who thought that making these concessions would be injurious to the religion, and to the policy of this country; and who considered it possible that we could remain as we were, it would be great presumption in him to imagine that he could change their minds, but if there were any gentlemen present, and doubtless there were many, so many as to reduce the former to great insignificance, who thought that this question must, some time or other, be granted, to those he addressed himself, and intreated them not to incur danger by procrastination. If it were now granted, the gift would be one of grace: if it were longer delayed, it might be attributed to apprehension. He knew not whether he should be in a majority or a minority; but this he knew, that if the votes of all those who felt that, sooner or later, the question must be granted, were now given in favour of it, it would be carried by the largest majority that ever passed through the doors of the House.

Mr. C. Grant rose to address the House, but the cries of "question," "withdraw," and "adjourn," became so loud and general, as to prevent the right hon. gentleman from being heard. After several ineffectual attempts to gain attention, he resumed his seat. Lord Sandon then moved the adjournment of the debate to Monday; which was agreed to.

HOUSE OF LORDS.

Monday, May 12.

SALE OF GAME BILL.] The marquis of *Salisbury* moved the third reading of this bill.

The Earl of *Winchelsea* said, it had been contended, that the crime of poaching would be diminished by legalizing the sale of game. He, however, still entertained the opinion which he held last year, that such a measure would have a contrary effect. He was convinced, that the greater the facility which was given for the disposal of property stolen, the more would that property be stolen. He could not agree in the opinion that the great increase of crime was owing to the game-laws, because it would be found that crime had increased in those districts where there were no game-preserves, in the same proportion as in those where there were. Such was the case in the county in which he resided. He objected to the qualifications, because they would give the power to every individual possessing twenty acres of land, without the slightest reference to the value, to transfer the right of killing game. Such a system was calculated to encourage the crime of poaching. He thought the measure was at once the most aristocratical and democratical that had ever been introduced into parliament. It took great care of the large, and it gave a boon to the small, landholders; but the interests of the great body of the country gentlemen were entirely overlooked. By the new qualification, a new class of sportsmen would be introduced into the country, and the advantages now possessed by the middling classes of country gentlemen would be diminished. He was afraid it might induce them to desert the country, which would occasion much of the money now spent in it, to be spent elsewhere. He should therefore move "that the bill be read a third time this day three months."

The Earl of *Darnley* thought the principle upon which the bill was framed was the right one. He could not agree with his noble friend, that making game saleable, would increase poaching, any more than that the taking the duty off tobacco would increase smuggling. The present law was violated, not only by persons of low condition, but by titled gentlemen, and he put it as an *argumentum ad verecundiam,* whether such a state of things ought to be allowed to exist. He thought that the bill would put an end to the sympathy of the public for a poacher, even in cases where murder had been committed.

The House divided: For the original motion, Present 48; Proxies 21 — 69. For the amendment, Present; 43 Proxies, 19—62. Majority 7. The bill was accordingly read a third time.

HOUSE OF COMMONS.

Monday, May 12.

ROMAN CATHOLIC CLAIMS.] The order of the day being read, for resuming the adjourned debate on the question, "That this House do resolve itself into a committee, to consider the state of the laws, affecting his majesty's Roman Catholic subjects in Great Britain and Ireland; with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his majesty's subjects."

Mr. *Charles Grant* rose and said:—Sir, before I proceed to offer to the House the remarks which I feel called upon to make upon this question, I beg to express my regret at having offered myself to the House at so late an hour of the discussion on Friday last. I hope I am not guilty of obtruding myself improperly upon the House; and I beg to assure those who hear me, that nothing but an anxiety not to give a silent vote upon the question could have induced me to act as I did upon the occasion. I now hope for the indulgence of the House, while I express the opinions which I have entertained ever since I first came into parliament, and which, upon the coolest consideration which it has been in my power to give the subject, I still entertain upon this great question. I have narrowly watched the working of the present system of exclusion, both in this country and in Ireland; and I make allusion to this fact, in order that hon. members may know the very peculiar situation in which I am placed, and the grounds upon which I have held my present opinions, unchanged. The question now before us has been regularly brought under the consideration of the House during a long period, and upon every succeeding occasion it has become more and more connected with the state of Ireland. At this moment, we cannot enter upon the discussion without looking directly at the internal state of that country; and the more we do so, the more necessary it becomes for us to enter into an inquiry, with a view to our coming to some satisfactory results.

Had I had an opportunity of delivering my opinions upon this question on the first evening of the discussion, I should have entered more at large into details; but the course which the debate has taken, and the impression made upon the House by the speeches of hon. members, prevent the necessity of my doing so. One point peculiarly presents itself to my consideration: I mean the present state of Ireland, and the manner in which the adoption of the proposed measure would affect it. The House cannot have forgotten the speech made the other night by my right hon. friend the member for Kerry, in which such a representation of the state of Ireland was given. I will not say how far that representation was overcharged. I will not stop to inquire whether my right hon. friend infused into that description a little of the warmth of his own feelings; but I will say, that that statement is borne out by all that has fallen from the other Irish members who have spoken during the debate. My learned friend, the Solicitor-general for Ireland, has described the situation of that country, and he is well qualified to give an opinion on the subject, having been lately called upon to deal with those who are the disturbers of Ireland—a task, of which he acquitted himself with honour. In the able statement which my learned friend made to the House he delivered his opinions on the subject openly and fairly; and those opinions were confirmed by the statements of the hon. member for Louth, whom I also look upon as a great authority upon this question. Nor is it upon this occasion only that such statements have been made. If I mistake not, the hon. member for Derry made a statement of a similar nature last year. It appears, on all hands, that there does exist in Ireland a vast and compact body, exercising a power not recognized by the government—exercising, I may say, a fiscal authority, and collecting sums of money from the public, in furtherance of their objects; and no matter whether the statements we have heard on this subject be over-charged, or the deductions made from them correct, I say, that if only a slight portion of those statements be true, it is right that this House should without delay, inquire into the causes by which they are produced. The present state of Ireland affords memorable lessons of the impolicy of retaining a prohibitory and persecuting system of laws, after the necessity which caused their enactment has passed away. Whoever has listened to the statement of the right hon. the member for Kerry, must perceive the necessity of inquiry and amendment. The hon. baronet who introduced the motion has at once pointed out the evil and suggested the remedy of concession. And what, let me ask, are the objections made to that remedy? We are told that the Roman Catholics will not rest satisfied with what we propose to give them, and that, therefore, the tranquillity of Ireland will not be secured. Other hon. members object to any concession, on the ground of the violent language in which the Roman Catholics express themselves in demanding what they call their rights. This, Sir, is a specimen of the kind of argument always used when all improvements are resisted, and when oppressive laws, being no longer necessary, are sought to be removed. If the law be so severe and oppressive as to excite strong feelings, and to urge men on to acts of violence, are these to be made the grounds upon which hon. members contend that there ought to be no change. But, Sir, such has been the case upon the attempted removal of every oppressive measure. When it was proposed to abolish the traffic in slaves, the opponents of the measure grounded their arguments upon the barbarism of the Africans. So in a more recent but minor case, arguments of a somewhat similar nature were urged, in opposition to the adoption of a more liberal system of commerce. The arguments urged in opposition to concessions to the Irish Roman Catholics are of this description. But who is it that produced the present state of things in Ireland? You destroyed the influence of rank and property—you throw the body of the people at the feet of the priest or incendiary—you have deranged the whole system. And why? Because you give to numbers what you refuse to property. I here allude to the elective franchise. I want to know, Sir, what benefit can be contemplated by giving to Ireland small portions of the British constitution, and that by shreds and patches? The very essence of the British constitution is equipoise; but when you give only a part of that constitution, you destroy this balance, and instead of conferring a benefit you probably inflict an injury. You give influence to one party, but you abstain from giving a counteracting influence to the other. This course of things keeps the affairs of Ireland in a continual state of revolution.

Again, the Catholic Association is pointed at as a reason why the Irish people would never be satisfied; and, in support of this argument, the violent language and extravagant demands of that body have been cited. But is it not in the very nature of things that such should be the case? When you refuse everything, is it not natural that the aggrieved persons should ask everything to which they conceive themselves entitled? In such a state of things the most violent persons naturally become the most forward, whilst the more moderate are placed in the background. But let this House take a different course— let us shew the Irish Catholics, that we are willing to hear their claims and examine their complaints, and you will reverse the case. The moderate party will then come forward, while the violent party will be restrained and kept within bounds. But we are told that the Catholics will not be satisfied, inasmuch as they have followed each concession, step by step, and will never rest until they have obtained all. The hon. member for Rippon has taken a course which, I must confess, somewhat surprised me. He has told us, that some forty years ago great concessions were made to the Roman Catholics, with which they ought to be satisfied, and yet they had the boldness to come forward and require more: they had received the right of property, the right of marriage, the right of education, and the right of religion; and yet, forsooth, they still came forward and demanded more. The hon. member looked upon all these concessions as unexampled boons to the Roman Catholics, who expressed their gratitude and satisfaction at the time. But, Sir, let me ask whether it be fair thus to turn round upon and tax them with having expressed their gratitude even for a partial relaxation of the laws by which they were aggrieved? But if they did so express their gratitude for even a partial restoration of their rights, let the House judge from that of the degree of degradation and disgrace to which they were then sunk. Sir, I am ready to admit not only that they did, but that they were entitled to seek more. If we look into the history of nations, we shall find that where any persecuting laws have been relaxed, the persecuted parties, no matter how far sunk in apathy before, immediately aroused themselves, and struggled for the full attainment of their rights. Let the House recollect the quarrels between the Patricians and the Plebeians at Rome, until the latter attained the full enjoyment of their rights. So it was in our own history. But, Sir, it is a delusion to say that, after having so far relaxed those laws, we can now stop where we are; it is contrary to history—it is contrary to nature, and the arguments of the danger to be incurred are totally groundless. As well might a person who saw the tide encroaching on the beach, endeavour to stop it half way, from a fear that when it reached its height it would deluge the country.

There are three clear and intelligible positions, upon any one of which the opponents of this measure might have taken a stand. The first position is that which allowed the Roman Catholics neither the exercise of their religion nor admission to civil or political rights. The second is that which gives them the exercise of their religion, but refuses the exercise of civil rights. The third is that which gives them the exercise of their religion, and the exercise of civil rights also. In the first instance, they were in reality in that situation in which Swift described the Irish to be—they were literally "hewers of wood and drawers of water." As we now stand, I think we are between the second and third positions which I have described; we have given the Roman Catholics the exercise of their religion—we have conceded to them their civil rights to a certain extent, and if our opponents oppose those further concessions recommended by the hon. baronet who introduced this motion, they ought to do so upon good grounds.

The hon. member for Rippon has expressed his apprehension for the safety of the Established Church, in the event of any further concessions to the Roman Catholics. Sir, I am as anxious as the hon. member can be upon that point. Being myself, as well from conviction as education, a member of that Church, I feel bound to it by the strongest ties, and am most anxious to uphold and protect it. But I should like to ask the hon. member, if he is satisfied of the safety of that Church, if we continue in the state in which we now are? I too, as I have stated, am anxious for the safety of that Church, because I look upon its preservation as a security to the nation. But, Sir, the safety of the Established Church rests not in its temporal power, but in the purity of its doctrines, the exemplary lives of its clergy, and in the Christian liberality of its sentiments; which, if it were not before known, must have been proved, by events which have recently taken place—events which have proved, that that liberality exists not in theory but in practice. In no way can the safety of the Established Church be so effectually insured, as by acting up to the principles of its Divine Founder. But when we are told of securities from the Roman Catholics, let us consider what is their situation now. Can we be more unsafe than we are at present? We are told that there is a large, a powerful, and a united, body, seeking to overthrow, by every means which art and cunning can devise, the Established Church of this country. Yet we exasperate that very body, by laws of a most irksome and degrading character, and expose the Church to the odium of being the bar to their admission to civil privileges. To me, it seems impossible to leave the Established Church in a more unsatisfactory state.

I have alluded to the security of the Church, and I know there are many gentlemen sincerely desirous of conceding the claims of the Catholics, provided such concession could be given in such a way as to secure the interests of the Church. They consider it right that the Catholics should have what they demand; but they are deterred by some vague apprehension of danger, not through the medium of this House, but from the interference of some foreign power. Sir, I think that the best security is in the measure itself. At present, I know that all is utterly unsafe. Still I consider that the House is bound to obtain securities, in every way that securities can be given; provided such securities are sought as are not opposed to the creed or the consciences of the Roman Catholics. The pamphlet recently published—and published very seasonably—by Mr. Gally Knight, is most satisfactory on this point. It proves that a state of things exists in other countries which might, and which undoubtedly would, exist here, if a similar course were adopted. When I heard, the other night, the English Solicitor-general quoting a variety of documents relative to the connexion of the Roman Catholics with foreign powers, I was quite at a loss to guess to what conclusion he would arrive. But when, at his close, to my great surprise, I found my learned friend contending, that if we imposed any securities we pleased on the Roman Catholics, they would submit to them, this was the very argument on which I was satisfied to rest my cause. I always saw and felt, that if the House thought proper to place securities, and if such and such was our law, we ought to say to the Catholics, if you wish to live under this law, you must be satisfied to obey it. But it has been always most difficult to say to what extent you would impose those securities. That difficulty is now removed, for it appears, by various statements made in the House, and it is shown by the pamphlet of Mr. Knight, how far we can go in demanding securities, without interfering with the consciences of the Roman Catholics. We may not, perhaps, consider it necessary to go so far, but we are at least aware to what extent we can satisfactorily go. The hon. member for Rippon expressed his strong desire to have satisfactory securities; his complaint was, and the usual complaint has been, that sufficient securities cannot be given to us. But we can now see the point to which we can go; and we are enabled to say to the Catholics, we do not ask whether or not you will give them, because those, and even more, you have given in other countries.

And now, Sir, I am pressed to take another view of this subject, as connected with foreign power. It will not be denied that since the long and protracted war, which has for some years terminated, all the nations of Europe have been placed in a peculiar situation—that all of them have been induced to examine their internal state, with a view to prepare their resources, and to gather strength so as to be ready either for war or peace, as the event might be. This country has been thus engaged. It has been turning its strict attention to its finance, and to all its other internal affairs—trimming the vessel, as it were, to prepare her for the storm which might in time gather around her. We have not been alone in our movements—the exertions and the preparations we have made, have been made by every other European nation. In safety we have been arranging the state of our finances, utterly forgetful of that, for which we might sacrifice all else, the strengthening of ourselves in another way, against the danger that might arise. Sir, I will not dwell upon the dreary anticipation of a war, but if a war should come, I ask, considering the state in which Ireland is at present, with what feelings could we enter into it,—the more especially when we recollect by what almost miraculous interference we were not long ago saved from a danger the most imminent. During the war, and before it, we stood in the almost undisputed supremacy of the commercial world. The war ceased, and channels were opened to other nations for commercial speculations, and the wealth that follows them. If we have the wisdom to adopt the wisest course—if we have energy enough to act as policy as well as justice calls upon us to act, we may for ages to come retain the power and influence we have so long held. But let no man undervalue the effect of a united people—let no man undervalue the importance of union at home. Be it remembered, that foreign nations are no strangers to the complaints which Ireland has been continually making. They have heard of them long, and they have acted upon them. There is no power that can at any time be at war with this country, which would not fix its eye upon Ireland, as the vulnerable part of Great Britain.

Are we, then, to go on in the course we have heretofore pursued? Have any other remedies been proposed? I have heard of none. We only hear from our opponents, that we are to dismiss the question precisely in the same state in which it was introduced—that we are to leave things just as they are, and to be at perfect liberty to reject this proposition altogether. We have heard, Sir, of plans for improving the condition of Ireland; we have heard of plans for exploring mines, for giving education, and for the spread of capital in that country. There are many excellent propositions for bettering its state, and I heartily wish them success; but without this measure of emancipation I firmly believe that none of them can succeed. Not that I pretend that this measure of Catholic emancipation can effectually tranquilize Ireland; but, Sir, it is undoubtedly the preliminary step. All who know Ireland, know well that so long as her present spirit remains, so long will that spirit counteract every effort for her improvement: so long, then, will her irritation be kept up; so long will she be sensibly alive to the most galling recollections; so long will her miseries continue; so long will every means to do her good be of none avail; so long will her progress in arts, and her advance towards happiness, be checked or prevented. Every one who has been in Ireland knows this well: no one who has not been in Ireland can be fully aware of the truth of this statement. With the spirit I refer to I am well acquainted—I have seen it, I have watched its effects, *experto credite quantus*. I know how deeply it affects, how totally it poisons, all her hopes and prospects; I know with how much subtilty it insinuates itself into all her undertakings, and mars every design for her advantage. I know that it will always destroy the hope of her prosperity, so long as it continues unchanged. How, Sir, are we, then, to change it? What course are we to adopt? All those great subjects are affected by this important question. The energies of the country are suspended, the best designs for her improvement are defeated, and discontent is making daily progress among her people. Like the hero of Virgil, whose perpetual exertions were constantly defeated—whose virtuous labours were ever met by some evil genius—

> ———" quacunque viam virtute petivit,
> Successum dea dira negat."

I would call upon the House to reflect on the state of Ireland, and of this country, as it ought to be and as it is. I have not referred them to any treaties or declarations, nor shall I do so, because, in truth, I do not think that such arguments are available in such a case. I place the claims of the Catholics not upon any grounds of temporary expediency, but on the eternal principles of justice, which neither sovereigns nor warriors can alter. I place their claims upon that high ground, upon that unwritten and undying compact between the governors and the governed, which make protection and allegiance reciprocal duties, and entitle the governed to all the advantages of the constitution under which they live. If these are the principles by which the question ought to be tried and decided, I appeal to the House of Commons, and through them to the people of England, to apply them on the present occasion. That the measure will be carried soon, I do not entertain a doubt. It matters not whether to-day or to-morrow is fated to witness its success, success will come, and shortly. I see the prognostications of it in every thing around us; I see them in this House; I see them out of this House. I may mention, as one instance, the conduct of the two Universities with respect to this question. Oxford has presented but a partial petition, and Cambridge, for the first time, has presented none at all. I say, therefore, that I see in every thing around me, anticipations of the ultimate success of this question. I know there are many who agree with me in thinking that it must ultimately be carried, but who feel reluctant to vote in its favour at present. To them, Sir, I appeal, whether, if it must be carried, it is fair or just towards Ireland thus to delay its adoption? I ask them, whether it is fair to Ireland, (for I will not appeal to their generosity, but to their justice) that this measure should be refused, only that the question of its adoption may be renewed year after year, and the country thrown into a perpetual state of excitement and irritation? If the question must be carried, why should it not be carried now? Why will you not give to an act of justice, the grace of an act of generosity? Let the House enter on the consideration of this subject with the generous feelings of Englishmen, let us fill up the measure of a former legislature, let us complete what they left undone, and make the Union which they created, Union in reality, as it is in name. Let us fill up the large and generous anticipations of those by whom the measure was proposed; let us act according to the views of Mr. Pitt, when he exclaimed, in the language of the poet,—

> " ———Paribus se legibus ambæ
> Invictæ gentes æterna in fœdera mittant."

Let us, I say, verify this description—let us teach foreign nations that we are really united. If they knew the point where our weakness existed, let them know where we are now strong; and if in any dreams of hostile aggression, the ruler of a foreign power should, in future wars, look to Ireland as a point where we may be attacked, let us show him that we are most strong where we have been most vulnerable. Let us exhibit the glorious spectacle of a nation formerly weakened by dissentions, but now, by union, improved in resources and stability. Having conquered other nations, let us show them that we know how to conquer ourselves; and let us, on the ruins of our prejudices, erect a monument of imperishable greatness. I intreat the House to listen to these considerations, and, with the strongest confidence as to the result, I leave the question in your hands, fully expecting that in your decision you will be guided by the principles of fair and impartial justice.

Colonel *Davies* said, he was anxious to be indulged for a few moments, while he stated, for the first time, the opinions he entertained on this subject. When he first heard of the motion he was disposed to give it his decided negative. He supposed that little new, either in fact or argument, could be adduced in its support. He had been of opinion, that the question was not intimately connected with the existing situation of Ireland, and that the distresses of that country arose from other and different causes. He further supposed that the discussion could do no real good to Ireland, but that, in all probability, it would excite in this country strong feelings against the Catholics. In one respect, at least, he had not been deceived. He had heard many eloquent and able speeches, but in the way of novelty he had not heard any thing offered. He differed from the right hon. gentleman who had just sat down, in that part of his speech in which he had argued, that the Catholics had abstract, indefeasible rights to political power. He denied that proposition. He maintained, that the State had, or ought to have, the power to impose on any of its subjects such restrictions as might be found necessary; and that those who did not think fit to take the tests thus imposed upon them by the legislature, had no right to political power. Indeed, if they were to dispose of the question on the principle of abstract right, to what extent might they not carry that principle? If abstract right was sufficient to give a title to political power, on what principle was it that women were excluded from its enjoyment. A woman might be a queen, and she might exercise peculiar offices in the State, but from the general possession of power she was excluded, on the great ground of expediency.—Much stress had been laid on the faith of treaties, and that on which hon. members had gone most into detail was the Treaty of Limerick. On that subject he should not attempt to add any thing; but he could not but express his astonishment, that men of the acuteness of many of his hon. friends should ever have thought of bringing forward that treaty as an argument. If the claims of the Catholics did not rest upon better grounds than the language of a loosely-worded treaty, which, after all, was nothing without the sanction of parliament, it was in vain to talk of violated rights. It mattered not to him whether Mr. Pitt, or lord Cornwallis had given assurances to the Catholics at the time of the Union. They might, perhaps, have pledged themselves, but they could not pledge him, they could not pledge parliament. When he heard the knight of Kerry, however, in his able and masterly speech describe the Catholic Association as wielding the power of six millions of men, whom they could use like a machine for any purpose they might wish,—when, too, he heard the Solicitor-general of Ireland state that Ireland could not be tranquillized without the grant of political privileges, he was strongly impressed with the importance of the question before the House. But he could not go the full length of the hon. baronet's motion; he could not agree to surrender to the Catholics the whole of their claims, as the motion of his hon. friend implied. What he had asked for was, a committee of the whole House, and, coupling his motion with his speech, it pledged him to support their claims to the full extent. In fact, it constituted a stronger pledge than ever Mr. Pitt had given. He did not believe that any danger would arise to the State, or to the Established Church from granting many of the privileges sought for by the people of Ireland. He thought the prejudices of the people of this country against granting them were unfounded; but believing, as he did, that the majority of the people were against them, he thought that the members of that House, who were the representatives of the people, ought to hesitate, and consider maturely before they embarked in the cause. While the gentlemen of Ireland differed so widely on the subject, some of them recommending conciliation, and others coercion, as the only mode of putting down the Association, he could not but feel considerable difficulty in approaching so momentous a quesion with conflicting authorities upon both sides. If his hon. friend had moved for a select committee, to inquire into the distresses of Ireland, and ascertain how far they were attributable to the existing disabilities, he would gladly have voted for such a motion. But if the present motion was carried, they could not stop there, they must go the full length of the Catholic demands. Such a course was the more objectionable, as changes were daily taking place in Ireland, which could not be met by one consistent measure, for the measure that might have applied before, could not apply now under a different state of things. The situation of that country could only be investigated by a select committee, with power to examine witnesses. If such a committee were to report in favour of concession, he was confident that the people of this country would surrender their own judgment to a committee so constituted and informed. It was painful to him to differ from those with whom he generally acted, but he could not consistently support the motion of his hon. friend. If the question was carried, it would not pacify

Ireland. Ireland was in want of other things. She wanted good government; she wanted justice; she wanted an unpaid magistracy, and an impartial administration of the laws. She wanted to feel and to know that there was not one law for the rich and another for the poor. They would be more tranquillized by one year of really good government than by twenty years' possession of what was called Catholic Emancipation. If he wanted any proof, that emancipation was not looked to by the bulk of the people as the remedy or their misfortunes, he might appeal to the indifference with which they saw their hopes in that respect disappointed by the lamented death of Mr. Canning, and the transfer of his power to those who were politically opposed to them. Was not such an event calculated to exasperate their feelings, if they felt so strongly upon the question as their advocates were fond of representing? But what was the fact? Instead of manifesting any impatience, they were more tranquil at this moment than they had been for many years. They were now in a situation, which, though it might be called disturbance in England, was tranquillity for Ireland. It was true that, when the peasant was told that Catholic emancipation was a remedy for all the evils under which he suffered, he would naturally be anxious to see it carried. But it was a false impression to encourage, and it was evident from their present tranquillity that they harboured no such opinion themselves. For these reasons he should feel himself bound, though with great reluctance, to oppose the motion for a committee of the whole House, but he was ready to vote in favour of a select committee as the best means of ascertaining the true state of the case with respect to the importance of emancipation and its probable effect in correcting the evils, and tranquillizing the spirit, of that country.

Mr. *Henry Grattan* deprecated the reasoning of the hon. member for Worcester, in denying the existence of unalienable rights on the part of the people. Would the hon. gentleman deny that we had a right to liberty? If so, he might with equal justice go one step further, and deny that we had a right to our existence. It was not from the articles of treaties, but from the principles of the constitution that we derived those unalienable rights, which the hon. gentleman had ventured to question and deny. The question of emancipation was a question of right and wrong: he hoped it would never become a question of peace or war. The conduct of the English government, and of some of the English kings, towards Ireland was marked by bad faith. All the treaties and arrangements entered into by the two countries had been basely and shamefully broken by England. Charles 1st had broken his engagements. Charles 2nd had done the same: and when a final arrangement was pretended to be settled in 1782, the volunteers had no sooner laid down their arms, than the arrangement was violated by England. If hon. gentlemen would refer to the evidence of colonel Curry, they would find that he stated that he had received such instructions from Mr. Pitt, and that he had been desired by him to circulate them throughout Ireland. The document to which his right hon. friend (the knight of Kerry) had alluded on a former evening, bore on the face of it sufficient marks not only of authenticity, but also of the object for which it was written. He held in his hand a copy of it, which was given by lord Cornwallis to lord Fingal and Dr. Troy, on the 15th of February 1801. The first words of it were—"Sentiments of a real friend to the Catholics of Ireland." Would any reasonable man, after reading the contents of that paper, contend that the meaning which it was intended to convey to the Catholics of Ireland was nothing further than this, that the question should be considered open to discussion, and that there should be no express stipulation for further concession? The people of Ireland must be the greatest simpletons in the world, if they suffered themselves to be deluded by a document which was circulated among them for no other purpose than to tell them that their just claims for emancipation should, after the Union was effected, be put into a train for discussion. What was there to prevent that from being the case even without an union? No treaty between the two countries could prevent any independent member of parliament from bringing their claims forward whenever he thought fit; and therefore he contended, that some more definite promise must have been held out to them in that document, than that which was now relied upon by gentlemen on the other side of the House. Besides, it was quite evident that one of the objects for which that document was issued was, to promote a dutiful and patient line of conduct towards the administration, on the part of the Catholics. And, did it effect that object? Let the House judge. In 1801 there was no petition from the Catholics: in 1802 there was no petition: in 1803 there was no petition—in 1804 there was no petition—so that the administration obtained a complete suspension of the Catholic question for four years, by consent of the Catholics themselves. In 1805 they felt it their duty to rest in silence no longer; and when they again presented their petitions, it was not through the agency of the Pitts and the Cornwallises, the ministry of the day, but through the agency of Mr. Fox and those other gentlemen who constituted the Opposition. To argue in such a manner against the solemn promises which were given to the Catholics previously to the Union, was not only futile in itself, but contrary to all the rules of common sense.

One argument on which the other side had insisted was, that the priests had got full possession of Ireland, and had established such an influence over the minds of the people, as to impregnate them with a spiritual allegiance completely at variance with their civil allegiance. If that were the case, it was entirely the effect of our present bad laws; for the public mind of Ireland was not originally imbued with any such spirit. For proof of it, he referred to the debate which took place on the subject of establishing a Roman Catholic college at Maynooth. The propriety of making such an establishment was argued chiefly upon this point—that if you sent the Catholic priesthood for education to Catholic countries, they would imbibe the principles of popery in its most rigid and unrelenting shape; whereas, if you provided for their education at home, they would imbibe the principles of popery as those principles were controlled and mitigated by the spirit of the times in your own country. He would refer to another authority to show that in former times the Catholic priesthood did not possess any despotic influence over the minds of their flocks—the authority of the great lord Clarendon. In those beautiful frescos, which adorned the walls and pages of his historical writings, that illustrious writer, speaking of the Irish, said, "The Catholics, though transported by zeal upon all questions affecting their religion, had steadily adhered to the Crown under all vicissitudes, and had performed every duty which could be expected from good and loyal subjects." Such was the opinion which lord Clarendon had deliberately recorded of the Catholics of Ireland; and he would now say that, if their disposition was altered, it was not owing to any principle in their religion, but to the badness of the laws by which they were governed. Lord Clarendon then proceeded to observe, that by the exertions of the Catholics, the pope's nuncio was driven out of the kingdom, and that in consequence he put it, before he left it, under the ban of excommunication as an apostate nation. Did the Catholics of that day, he would ask, fall upon their knees to obtain absolution and remission of the enormous offence which they had committed against the pope and his representative? No such thing: they persisted in their misconduct; and, as lord Clarendon observed, the whole of the province of Munster immediately came under the king's allegiance. If, therefore, the disposition of the priests had become adverse to your government, it must be because your laws had deteriorated. Give them good laws, and you will find them loyal and obedient subjects. Give them penal laws, and those who suffer under them, no matter whether they wear black clothes, or gray clothes, or clothes of any other colours, will return you for that reward, that which is always one of the penalties of tyranny—he meant curses, not indeed loud but deep.

On the question of spiritual allegiance, it might perhaps be sufficient to refer the House to the answers which Mr. Pitt received from the six different foreign universities. The answers to those questions were in Mr. Pitt's possession, among the records of the State Paper office, years before he sent his questions to those universities, not indeed to satisfy his own mind, but to soothe the scruples of terrified lords and ladies of the bed-chamber.—It appeared from certain papers in the State Paper office, which had recently been made public, that in the reign of James 1st. a deputation was sent from Ireland to complain of the grievances under which that country then suffered. One or two of the members of it were summoned to attend before the king in council, and among these was sir Patrick Barnewall. He was interrogated about the power of the pope, and among other questions he was asked, whether he believed that the pope had the power to depose princes. He replied instantaneously, that the doctrine was profane and irreligious. The leaders of the Irish Catholics of that day, were so offended by the charge insinuated against them by that question, that they followed up sir Patrick Barnewall's denial of it by a petition to the king, in which they disavowed, in the strongest terms, the proposition, that the pope had the power to depose princes, and to absolve subjects from their allegiance. This petition was subscribed by several noblemen and gentry, who signed themselves "all the peers and burgesses recusants in the parliament of Ireland,"—a fact which proved, by the way, that at that time Roman Catholics were not excluded on account of their religion, from seats in parliament. But it was said that the Roman Catholics were unaccommodating, and were actuated by a spirit of opposition to all constituted authorities. Now, he begged leave to deny this charge entirely: for the pope, on more than one occasion, had altered the oath of the English and Irish Roman Catholic bishops to make it less objectionable to the opponents of all concession. The words of the oath were originally "*Hæreticos pro-posse persequar et impugnabo*," of which the clear meaning was—"I will persuade the heretics and attack their doctrines;" but to obviate all quibbling, they were changed by the pope into "*Hæreticos, proposse persequar et humiliabo*." Every one who knew any thing of the Latin language must be aware that "*persequar*" did not mean to persecute, in the modern sense of the word;—so that the alteration of "*impugnabo*," into "*humiliabo*," was not made from any conviction of its being necessary, but from a desire to allay the fears of the unlearned part of the community.—Again, to meet the wishes of the English government, the pope had added a clause in the oath of the bishops, stating, that the oath of spiritual allegiance to him was not to interfere with their civil allegiance to their natural sovereign. The Roman Catholic hierarchy had also acted in a spirit exactly conformable to that which had been displayed by the pope—for they had prepared a form of prayer for the safety of his majesty, which now constituted a regular part of the service of their church. Now, if the pope and the Catholic bishops were willing to go so far to gratify a government which had done so little to gratify them, did it seem so very impossible to establish with the pope some *concordat* which should place the state of the Catholic church in Ireland on such a basis as would be satisfactory to rational men of all parties?

He would call the attention of the House to the manner in which it had for so many years treated the Catholic subjects of his majesty. Look at the Catholic soldier. When he tells you of the battles he has fought and the fields he has won, and when he points out the scars which he has received and the laurels he has wreathed around your brows—what is the answer he receives? A sneer at his loyalty, and a sarcasm on his religion. Had they considered, too, the extensive degree in which, by such infatuated conduct, they had acted, as recruiting sergeants to foreign powers? A calculation had been made of the number of Irish Catholics who, in consequence of the absurd penal laws, had entered the service, and fought the battles of foreign powers. They were found opposing your forces at Ramilies and Fontenoy—they were found in the service of the king of France and of the king of Spain—they rendered good service to the Austrians at the battle of Cremona, in 1734—they fought for France, for Spain, for Austria—in short, they might say,

> "Quæ regio in terris nostri non plena laboris."

The result of the calculation to which he alluded, proved, that in fifty years no less than four hundred and fifty thousand of your bravest subjects had entered the service of foreign powers, and assisted them in fighting their battles against you. It was hardly credible, that an assembly, which consisted of men of sense and practical wisdom, could pay so much attention to the religious creed and so little attention to the militant services of one class of its subjects, as to allow a system to continue which had produced such lamentable consequences. It was true, that, after the bursting out of the French Revolution, you began to pursue a different career; you took into your pay six regiments of the Irish brigade; and at their head was—"*nomen inter hæreticos non nominandum*"—General Count Daniel O'Connell! And yet the spires of Lambeth Palace are still standing, and the Bench of bishops rise and sleep as calmly as before.

He would now call the attention of the

House to a point which was established, not by the researches of the government of Ireland—for that government was liable to such perpetual fluctuations as to be unable to establish any point except its own imbecility—but by the researches of one of the committees of that House, which had produced a report so bulky, that it would require a porter to carry, and months to read it. What was the answer of Mr. Delacour of Cork—of Mr. Driscoll of Limerick — indeed of every man acquainted with the state of Ireland, when examined as to the consequences which emancipation would produce in Ireland? They replied, that it would be productive of every possible advantage to Ireland—that it would be difficult to govern Ireland long without it—that it would extinguish every dissension which now distracted that unfortunate country—and that, if it were once granted, no Catholic would ever think of assailing the Protestant establishment in either church or state. Now, what was the use of referring a subject to a committee, and of taking evidence upon it, if it were not intended either to adopt the opinions of that committee or to avail themselves of the evidence which it had collected?

There was, however, another body, which, in the course of the discussion, had received considerable castigation; he meant the Catholic Association. Now, when we are talking of the Catholic Association, let us not forget what it has already done, in our wild speculations of what it is capable of doing. He would neither enter into the praise or dispraise of that body; but he would merely call on the House to recollect the evidence which had been given upon that point by Mr. Delacour and major Warburton, both of whom stated it to be their belief, that the Catholic Association had been of great service in promoting the tranquillity of Ireland. Indeed, major Warburton, in a letter to the marquis Wellesley, absolutely attributed the preservation of the peace of Ireland to the exertions of that body. Was the country, he asked, to be left any longer in its present condition? and if it was, would they persist in asserting that the Catholic Association was the cause of all the dissatisfaction which prevailed in it, when they had indisputable proof, that it was owing to the exertions of that body, that its tranquillity had remained undisturbed? He did not come forward in that House as the defender of the Catholic Association; but he came forward to see that justice was done to those who had been wrongfully accused. He contended that not only the Catholic priests, but also the Catholic Association, had performed their duty to their country, in a manner that was far beyond his humble powers of praise and admiration. The opponents of emancipation were, however, not quite consistent in their modes of argument; for some of them did not complain so much of the activity of the Catholic priesthood in the present times as of their activity in times that were gone. His hon. colleague (Mr. Moore) had said, that if any disturbances should hereafter break out in Ireland, the priests would be as active in the next rebellion as they were in the last. His hon. colleague had said, that in the last rebellion individuals had been sent over to France to obtain assistance from the French government. It was true that individuals had been sent over to France but it was not by the Roman Catholics of the north, but by the Protestants of the north of Ireland. His hon. colleague, he supposed, alluded to Mr. Wolfe Tone, who, in the year 1796, had several interviews, on the subject of a French invasion of Ireland, with Carnot, then a member of the Directory, general Clarke, the descendant of an Irish family, and general Hoche, who afterwards commanded the force which invaded Ireland. As his hon. colleague had alluded to that subject, he would take the liberty of reading an account of the interview which Mr. Tone had with Carnot and Hoche in July, 1796, on that subject, and which was to be found in the autobiography of Mr. Tone, recently published. "Speaking of Ireland," says he, "general Hoche asked me what I thought of the priests, or was it likely they would give us any trouble? I replied, I certainly did not calculate on their assistance, but neither did I think they would be able to give us any effectual opposition." Now, if it were true, that the priests would not give any opposition to the disaffected at present, might it not be attributed to our persevering in maintaining those penal laws which had hostilized them against us? But Mr. Tone proceeded—"I stated, that their influence over the minds of the common people was exceedingly diminished of late, and I instanced the case of the Defenders, so often mentioned in my memorials, and in these memorandums. I explained all this at some length to him, and concluded by saying, that in prudence we should avoid, as much as possible, shocking their prejudices unnecessarily, and that, with common discretion, I thought we might secure their neutrality at least, if not their support." It was clear, therefore, from this statement, that the English government at that time had enlisted on its side the Catholic priesthood, or that it had at least neutralized their hostility. If the case were now altered, ought they not to attribute it to the bad system of law, which they had long pertinaciously supported against them? Could any thing be more satisfactory than this evidence, as to the loyal disposition of the Catholic priests during the melancholy period of 1798, and of the lamentable scenes which preceded it? He would next examine the opinions which several Protestant bishops had expressed on this most important subject. They had heard much of the seven bishops who, by their firmness in resisting the despotic commands of James 2nd, had brought about the Revolution; and the conduct of other bishops had been equally meritorious in endeavouring to loosen the fetters in which religious intolerance had bound their Catholic fellow-countrymen. Dr. Horsley, bishop of St. Asaph, had asserted, that there was nothing in the Roman Catholic religion repugnant to the principles of loyalty. That prelate had also expressed his strong persuasion, that the Roman Catholics were sincere in their disavowal of foreign authority; and the venerable bishop of Norwich had expressed opinions equally liberal and honourable. The bishop of Elphin, well known to many individuals, had used this remarkable expression—"My Roman Catholic brethren and myself have but one religion—the religion of Christians," and had maintained that securities were needless for the Protestant establishment. The names of such men were not only *venerabiles* but *venerati*, and children were taught with delight to lisp their names—education, vestries, and the burial bill, had been instanced as proofs of obstinacy on the part of the Catholics. As to vestries, was it not known that an archdeacon had declared, that certain votes of vestries were unwarranted by law? So that objections did not proceed from the Catholics only; 800*l.* had been voted, in one instance, for an organ; and if, in another, 100*l.* a-year were paid for a curate, what security was there, that they might not, for the same reasons, give him 500*l.* or 1,000*l.* per annum? He had been present at one of the ceremonies under the burial bill, and could assert that nothing could be more offensive and disgusting. The allusion made by an hon. member to the subject of marriages was by no means warranted. No doubt it was the wish of the priest, that the children should be Catholic; but the parents would not be controlled by the clergy upon such matters, and might refuse to have their offspring educated in that religion. He begged the House to call to mind what was the law on the subject of marriage in this country not a hundred years ago. Any Roman Catholic priest marrying a Catholic to a Protestant was subject to the punishment of death; and even though he could prove that he acted inadvertently, he incurred the same penalty, for the law concluded, most mercifully, that he did the act knowingly. Such being the law a hundred years ago, the same priest is now punished with proscription for not forwarding and encouraging marriages between Catholics and Protestants. I need not (continued the hon. member) thank the House for the patient indulgence with which it has heard me: the task I have performed has been disagreeable and painful—

> —"I have neither wit, nor words, nor worth,
> Action nor utterance, nor the power of speech,
> To stir men's blood."

I only wish to discharge my duty to my country and to my Creator, and to unite England and Ireland in the solid bonds of prosperity, or what is infinitely better, of peace and liberty. Until this be effected, Ireland will have no peace, and the Protestant establishment no security. The situation of Irish gentlemen is cruel beyond measure; they are exposed to the foulest calumnies; and if they take part with the friends of emancipation, they are immediately charged with having some political motive for their conduct. Peace at present is unknown in Ireland; and, as the right hon. gentleman who spoke first this evening, said in a speech full of ability and heart, expressive of the sentiments of an upright minister of the Crown, this question harasses all ranks, and mixes itself with the private feelings of every family, sowing discord and dissension where affection ought only to spring. There never was a time when this subject came more home to the fire-side of every individual in Ireland, from the highest peer to the lowest peasant; it has spread over the country a mass of inflammable matter, and whether it breaks out in violent Catholic Associations or Orange Lodges, I care not—the element is equally destructive. The question is, whether you shall put them down by force or by conciliation: they may be considered animals *feræ naturâ*, and if they cannot be seduced and tamed by kindness, it may be necessary to follow them and hunt them to their hiding-places. I call upon the British parliament to consider the opportunities it has lost, the fair occasions gone for ever by—for accomplishing this great work of peace and conciliation. Time presses, for who can say how soon we may be involved in a new war, and how soon we may again have occasion for the services of the brave and loyal Catholics of Ireland? Have they not met in America a spirit of sympathy until lately unknown? Let us take care not to excite in our Trans-atlantic colonies a feeling that may lead to their ultimate separation. The Irishman who returns from America exhibits a degree of thoughtful stubbornness, which surprises by its contrast. He goes where the spirit of Washington still survives, and the genius of Washington still animates; and when he revisits his native country, he is no longer the humble and subservient Catholic, but the reflecting and stubborn Irish-American. It is my sincere advice, that the British government should do all in its power to strengthen, instead of weakening, the connection between the two countries. You lost the opportunity of doing this great work in 1782; and in 1795, although there was no distinct plan, there was certainly a general understanding in the words of Mr. Pitt, that the government should give the claims "a handsome support." In 1802, 1808, and 1812, opportunities of concession were also thrown away; and even in 1822, when a bill of Relief was actually carried in this House. What now is the situation of my unfortunate country? I saw his present majesty arrive in that fair portion of his dominions, more glorious than the restoration of Louis 18th, who, after having fallen below all hope of recovery—was at length re-established on the throne of his ancestors, mainly by the instrumentality of that great captain, who had the keys of Paris in his pocket; and not only of Paris, but half of the continent beside. The arrival of his majesty in Ireland was hailed as the dawn of liberality and justice: he was looked upon as the harbinger of concession—almost as the great political Messiah, "with healing on his wings"—and was welcomed by the hands and hearts of tens of thousands of loyal subjects, refuting by this display of honest and fervent affection the calumnies of centuries. I saw him thus joyfully received, and it could not fail to remind me of the words of that great queen Elizabeth, who, in her well-grounded confidence in her faithful people, exclaimed, "these are my guards!" Such, too, might justly have been the language of George 4th on his visit to Ireland, when all ranks struggled to evince their loyalty. Here he saw all the securities needed for the Church establishment, in honest hearts and steady allegiance. That opportunity for an act of royal justice was lost; and when will it return? If the nation be at war, concession is refused because the House will not yield to intimidation: if it be at peace, it is asserted that the Catholics, with all their hostility, can do no harm. No harm? Does the House know what the Penal-laws against the Catholics cost Great Britain? Are there not thirty thousand troops in Ireland, and are there not besides, five thousand police to pry into the affairs of every family? To this condition, Ireland has been reduced—Penal-laws, the violation of all rights, and the wreck of a constitution. I trust, nevertheless, that the two countries will long be united—not by intimidation and tyranny, but by extending to all equal liberty and equal laws, by that system of government for which Vattel, Burlamaqui, Locke, Paley, Milton, and many others, the greatest names in letters and politics, had invariably contended. They will not, surely, re-enact the Penal-laws. The hon. baronet has almost hinted as much; and my honourable colleague said, that if force was used, it would be repelled by force. If so, they will generate a spirit and feeling among the Catholics of Ireland that will produce effects as direful as ever befel any country. I trust that the British lion, while with one arm, it upholds the Crown, will not with the other, tear in pieces the Charter of Irish freedom.

Lord *Ennismore* said, it might appear

like presumption on his part, in rising to express his opinions, were it not that, being the representative of a large body of Roman Catholics, he felt that he owed it to them to speak their and his own sentiments in the face of that House and the country, with boldness, and with a disregard of all personal consequences. The question had been so ably and eloquently discussed in all its bearings—it was so irradiated with the brightest names of the past and present age—that he was aware it was far beyond his scope to retrace the many powerful arguments which had been urged to prove the justice of repealing the laws imposing disabilities upon the Roman Catholics. This he would say, that those laws were a disgrace to the age, and that they were contrary both to the spirit of the religion we professed, and to all principles of true policy, and at variance with the sense of justice implanted in our breasts by nature. He would not weary the House with details of transactions long since passed. He had no wish to dwell on the stipulations of the treaty of Limerick; but would take his stand on the expediency of granting the concessions required by the Roman Catholics. He contended, that the necessity of the measure grew out of the existing circumstances of the country, and that it was in accordance with the genius of the age in which we lived. He trusted that that House would never lose sight of the principle of expediency, though his learned friend, the member for Lowth, had stated a very different opinion the other evening. In calling on the legislature to remove the disabilities affecting the Roman Catholics, he entreated gentlemen to consider seriously the actual degree of advantage and disadvantage that practically attended the continuance of those disabilities. To begin with the advantages—what were they? Even as stated by those to whom he alluded, they were problematical, uncertain, and remote. Then, as to the disadvantages, their positive existence was equally admitted; they were described as constituting a crying evil of growing and accumulating danger, working its onward way in characters written in blood, and forming an insuperable bar to the peace, happiness, and tranquillity of Ireland, and to the progress of civilization and national improvement. It had been said by those who were in possession of the splendid advantages of the Established Church, "Deprive us not of our rights; trench not upon our prerogatives;" and there were not wanting intemperate advocates, who thought the best mode of defending this church was tauntingly to tell those who were excluded, not to presume "to come between the wind and their most reverend nobility." But when he knew that there were reverend persons on the other side, thus galled, and thus excluded—persons of learning and high moral worth, he could not help appealing, on their part, for the benefit of that divine maxim, which ought to be equally diffused in the conduct of both—"Do unto others as you would be done unto." He would ask, in what respect were these penal laws likely to be borne with more patience by the people of Ireland? If, as was obvious, they must speedily be relinquished, what time was better for so doing than the present, when it was admitted on all sides, that they affected the peace of Ireland, and the security of the kingdom at large. What did Ireland gain by being kept in this state of moral and political degradation? What did true religion, which was an union of moral and peace-bearing attributes, acquire by this system, which was only calculated to subvert the great principles upon which Christianity was founded? It was a system, daily rendering property insecure, repelling the investment of capital, restraining the advancement of commercial enterprise, affording only checkered gleams of tranquillity between the convulsed efforts of faction, and widely afflicting the unhappy country that was subject to it, to the aggravation of every evil which could belong to distrust, jealousy, and galling restrictions. Until these were removed, for the Catholics of Ireland there could be no rest; for the kingdom at large, no hope of peace. Again, if these laws excluding the Catholics were of no use to Ireland, of what benefit were they to England? Were they not, in fact, a thorn in her side? No man living could say that this great country had grown, or could grow, richer and stronger by them; nor could their injustice be palliated by any supposition of their adding to the estimate of her character in the eyes of the world. Why, then, make this stand for their baneful continuance? He was not such a visionary as to assert, that every advantage would arise from the adoption of concession—that the ills of Ireland would instantly cease upon the emancipation of the Catholics. He entertained no such unreasonable anticipation; but he believed, that incalculable benefit would result from the proposed concession. One great barrier to harmony and improvement would be removed; faction and bigotry would be disarmed of their strongest weapon, and a season of calmness must follow, in which prejudices might be removed, and industry be permitted to flow into its proper channels. He admitted the power wielded by the Catholic Association, and he saw no hope of its being extinguished, but by doing justice to the people over whom that body ruled with a double-edged weapon so keen and effective. He was aware of its evil, and deeply sensible that it exercised an influence which ought to be suppressed; not by coercion, for that had been already tried in vain, but by conciliation. They might attack these associators with all the severity of the law, and frame new laws for their suppression; but still a spirit and fire would rise out of the smothered elements of popular feeling, which could never be extinguished but by the allaying of civil animosities, the banishing of social distrust, and the equalizing of religious privileges. In vain would coercion be tried upon these ready materials for wide-spreading excitement; the angry spirit, though silenced for the hour, would rise like the Phœnix from her ashes, or rather, like the water serpent, though it might hide itself beneath the surface of the wave, it would again rear its head above it, at other times and in other places. He implored the House to do itself justice by evincing a kindly disposition to interpose its authority between these conflicting classes of his majesty's subjects, to lend a healing and a helping hand before the demands were more imperative, and the perils more impending. They would have to grant it in the end, when it could no longer be withheld; and they ought to pause while yet they had time for reflection, before they precipitated so impolitic a result. Then as to securities, upon which so much stress had been laid. If those who opposed this question, would say what securities they required, as a condition for the repeal of those laws, he would be most happy to attend to this expression of their desire. There was one fact quite clear, that the existing state of things gave them no security; and for his own part, he fully believed, that for the full protection of the Established Church, and the preservation of the constitution, the best means were those which were incorporated in the great measure of Catholic Emancipation itself. Emancipate the Catholics, and England would see the germ of national prosperity shooting out from the surface of that unhappy land. He implored this concession, on behalf of the dearest interests of Catholics and Protestants. He wished to render Ireland, naturally rich in her intrinsic resources, already powerful in the great mass of her population, a substantial part and an available portion of the British empire. This she could not fail to be, if once weaned from her animosities, dissevered from her excitements, and imbued with a sense of her own advantages, by having infused into her laws the rational principles of civil and religious liberty.

Mr. *George Bankes* said, he could not accede to the proposition he had heard so often advanced in the course of that debate; namely, that emancipation, as it was called, would carry with it whatever securities would be desired. He had listened to the speeches of his right hon. friend, the President of the Board of Trade, that evening, and of his right hon. friend, the Secretary for Ireland, on Friday evening, with some pleasure, but mingled, in no inconsiderable degree, with pain and disapprobation. They had told the House very decidedly, nay, imperatively, what must be done, and he had expected they would tell the House also how it was to be done. His right hon. friend, the Secretary for Ireland, had particularly failed in that respect; and when he considered that his right hon. friend held a station in which it was his duty, mainly to direct his talents to the consideration of the interests of that part of the empire which was most likely to be affected by this question; and when he considered that his right hon. friend had told the House, and the same assertion had been confidently repeated that evening by his other right hon. friend, that this measure, and this measure only, was the remedy for all the evils of Ireland, he thought the House had some right to expect, as this measure must have been under his right hon. friend's consideration so earnestly and so long, that he would have been able not only to tell the House that they must do it, but also how it was to be done. It might be very well for the hon. baronet, the member for Westminster, to bring forward a proposition affecting the constitution of the country, without detailing the steps by which it was to be carried into effect. The hon. baronet had a right to say—"I am not going to submit any finished measure; I leave the completion of it to the government; it is our business only to draw the outline, it is for them to fill it up from the design we give them." But when he heard members of the government using language so strong and decided—when he heard them declare, that they considered this as the great and sole remedy for all the evils of Ireland, he thought they should not forbear to tell the House how it could be done. His right hon. friends had used expressions which were calculated to excite considerable alarm. His right hon. friend this evening had spoken of morsels and fragments of the constitution being given to the petitioners. He wished his right hon. friend had been more explicit, when he used phrases of that description. His right hon. friend the Secretary for Ireland, had also used an illustration not calculated to lower the apprehensions of those who were opposed to this measure. He said, "Look at the Scotch members in your House. Do they give any disturbance to the established religion? Do they bring forward measures calculated to derange that establishment which you justly consider so valuable?" What, then, did his right hon. friend propose?—That the Irish Catholics, with reference to their religious establishment, should be treated on the same principles as the Scotch Presbyterians. The Scotch members in that House certainly did not molest the Established Church of England, because they knew that the same law which confirmed their religion secured ours also. The vote that upheld one, maintained the other. This illustration should not be forgotten, as respected the religious establishment, for reasons which he would presently suggest. But if the Scotch members did not combine against the Church of England, they had acted together so as to interrupt the general measures of government. Had it never happened that the Scotch members had in a body combined to defeat a measure proposed for the public good? They need not look far back for an instance, in which a great political measure was resisted, and successfully resisted by a union of these very Scottish members whose example had been quoted to prove that such a resistance never had occurred, and was never likely to occur. He would ask his right hon. friend (Mr. C. Grant) how far he was prepared to obviate the difficulties attendant on the articles of the Scotch Union? His right hon. friend was aware that the oath taken at elections in Scotland was in a much higher degree binding, as a security for the Established Church there, than that required in England. The oath besides, in Scotland, was taken by all who were eligible, and was an infinitely stronger test and declaration on the part of those who were to be elected members of that House. His right hon. friend had, it was true, talked something of securities; and had referred to Prussia as an instance of what might be obtained. But, was his right hon. friend sure that the Irish Catholics would agree to the terms on which their religion was governed in Prussia? He wished to draw the attention of the House also to the speech of his learned friend, the Solicitor General for Ireland, who in picturing in no exaggerated colours, the state of Ireland, more particularly with reference to the influence of the priests, endeavoured to shew, that we could not be in a worse condition than at present. His argument was—"You have the Catholics among you now. The Irish members are the representatives of the Catholic priests, for they are by them chosen for their activity, their eloquence, their vigilance, and, he added, for their violence also. You have now in respect of the cause they are sent to promote, in respect of your fears of evil for the constitution, the influence of the priests in this House in its most noxious shape" [cheers]. In this respect he differed from his learned friend. Though he admitted the activity, the vigilance, and the unquestionable eloquence of the Irish members who advocated the Catholic claims, he could fancy that the same power might exercise an influence more noxious, more violent, and directed to more mischievous results. He had heard on a former night, a noble lord, (F. L. Gower) state, to his surprise, that he would prefer that the orators of the Catholic Association should come over to that House and pour forth their effusions of malevolence there rather than elsewhere. Now, this was a choice in which he could by no means concur. He felt that the existence of that Association was a disgrace to the law which it insulted, and to the legislature, which had endeavoured to suppress it. But he would rather the Irish orators should pursue their mischievous course where they were, than be obliged to listen to their speeches in that House. He could not forget that the leaders of this Association had lately proscribed the dawning power of the duke of Wellington. He could not forget that, some time ago, they had libelled the late duke of York in his dying moments. The one was as cruel and wicked a libel as ever consigned its author to the punishment of the law; and the other a proscription the most insolent that ever remained uncancelled and unrecalled. But, though the noble duke at the head of the government was proscribed by the Catholic Association, he had heard with pleasure, the unequalled praises bestowed on that illustrious commander by the hon. baronet who opened this debate. Never was there so just, so glowing, so powerful a tribute to the merits of that great man. He regretted, however, that in another part of the hon. baronet's speech he had treated another great and noble character (the earl of Eldon), with an unkindness so marked and uncalled for. The hon. baronet had alluded in very unkind terms to that noble person's gravity and slowness of decision; and had expressed his surprise that, on a late occasion, the noble and learned lord had been found to act with so much readiness and energy. This was an attack which he considered unfounded and unfair. Was it extraordinary, that when that noble and learned lord's principles had for half a century been known to the public, he should fall under an imputation of this kind, as if he had turned round on a sudden and deserted his former professions? At all events, he thought the noble and learned lord was no longer a fit object for attack, either in that House or in any other public assembly; and for himself, he trusted that the House would excuse him for the expression of his feelings on the subject—feelings which, he was sure, would never change, in whatever situation the noble lord might be placed.—The hon. baronet who had brought forward this question had directed the attention of the House to the other countries of Europe, and even to South America, challenging them to look at what was taking place all through the civilized world, and what progress was making every where, while England alone was standing still. He would adopt the proposal of the hon. baronet, he would look at what was taking place in Spain, in Italy and, above all, in Portugal. Could any one forget what had taken place in that country since the Catholic question had last been discussed in that House. But the House was also requested to look at what was taking place in South America. He was certainly much astonished at such an invitation, for he could not conceive how any one could call upon them to look there for the expression of liberal opinions or feelings. What was the constitution of Mexico? It was true, that their constitution was founded by a liberal Cortez, but that very Cortez was mainly founded on an oath, by which no religion besides their own could be tolerated, or even admitted into the country; and though they boasted of their charters of liberty, those very charters had been burnt by the hands of the common hangman. They had been also told to look to France; but there the spirit of Jesuitism had arisen. It had been said, indeed, that the efforts of that intolerant spirit in France were powerless and insignificant; but he was of an opposite opinion. The spirit of Jesuitism was like the water serpent, of which they had heard so much: you could never know where you had him; when up in one place, he was down in another, and it was of little consequence to him whether or not he had an arrow in his vitals. The attention of the House had been directed to the example of Prussia. He was satisfied that the plan of Prussia was not such as this country could adopt, unless they were prepared to go the length which the hon. baronet had stated in his speech, and to which his proposition certainly went. If they should first adopt the proposal of the hon. baronet, and then talk of securities as baubles only to be sneered at,—if they did that, then, indeed, he would admit that concession would have the salutary effect of conciliation, and that there would be some chance of tranquillizing Ireland. But, unless they were ready to make concession in the manner in which it had been made in Prussia, no such effects would follow in its train. The members of the Catholic religion would always hate the Protestant religion, and would be always indisposed to contribute to its maintenance. With respect to the privileges alluded to in the treaty which had been mentioned, it was said, that the reason why no mention was particularly made in it of parliamentary privileges was, that at that time, and in all times previous, the Roman Catholics had enjoyed those privileges in a manner which made it unnecessary that any stipulation should have been made for them. Let the House consider in what way it was that they held their seats in parliament. This point was material: first, as respected the particular treaty to which he had alluded; and secondly, because it was undoubted, that if Ireland had been governed by a parliament composed of Irish Papists, unrestricted by any oaths, arguments might be founded upon the government of Ireland at that period, which might now be applied to the present question. But let the House look to the history of the parliament of Ireland, and they would find facts utterly inconsistent with the proposition so broadly laid down by the hon. member for Dublin. Catholics might sit in the Irish parliament in the reign of Elizabeth; but, aware of the difficulties that would arise from Protestants and Catholics sitting together in the same House, the latter, being unrestrained, in order to provide against them, she directed writs to be issued to such counties only as she thought likely to return Protestant members. Thus out of twenty counties only ten sent members to parliament during her reign. That was the state of the Catholics with respect to their privilege of sitting in parliament during the reign of Queen Elizabeth. On the accession of James the 1st, the same principle was acted upon. It was true he issued writs to an additional number of places, but it was only to places where he was assured of the sentiments of those who were to return the members. It was not till the reign of Charles the 1st, that that principle was in a manner given up. Then, in the year 1634, the Protestants and Catholics in the Irish parliament were nearly equal in numbers; and they would find in a letter of lord Strafford's that there was precisely that state of things in Ireland which might have been expected from such an arrangement. The noble writer of the letter stated, that in discussions and divisions, the Protestants were all on one side, and the Catholics all on the other, but this arose from no ill feeling on the part of the Catholics towards the government, or from a wish to embarrass its proceedings; as they adopted this course merely for the sake of shewing their power, and forming for themselves that predominant interest, which should enable them to regulate the supplies that should be granted the government. It had been said, upon the strength of this, that the Catholics were as faithful as subjects could be, and that if they were now treated in the same manner, they would be equally faithful. That might be true, and he would even grant that many of them supported the interests of the Established Church; but when the House came to consider how nearly the Established Church was then accused of resembling popery, the merit claimed for the Catholics on that account must suffer some degree of diminution. It was not, however, his desire now, or on any occasion, to diminish from the high and pleasurable feelings the descendants of the Roman Catholics of that day must have, and which had been so eloquently described to them, in thinking of the conduct of their ancestors. He concurred in the praise that had been bestowed upon them by the hon. baronet. He perfectly agreed in what had been stated, that throughout our whole history, jealousy existed on the part of the Catholics with respect to the authority of the pope, but he thought that the right hon. member for Knaresborough had not treated his learned friend fairly, in his allusions to the statement made by him. His learned friend he understood to mean, when he had alluded to the struggles which took place between our Roman Catholic ancestry and the pope, that in spite of their opposition to his power, continual innovations were made by him. It was the fear of his power and encroachments, that procured the passing of the statute of *premunire*, a statute which made the king that passed it so odious to the pope, that he gave his kingdom over to another. There was but one other topic to which he should advert. In expressing his opposition to the claims of the Catholics, he wished to be understood as entertaining every respect for the religious opinions and feelings of that class of his fellow-countrymen. He felt that claims had been put forward in that House more strongly upon this occasion than formerly. It was for that reason that he had taken that opportunity of expressing his sentiments on the subject, and he had only to hope that his so doing would not be construed into any mark of disrespect to his Roman Catholic countrymen.

Mr. *J. E. Denison* said, he could not conceive by what process of reasoning the right hon. Secretary for the Home Department had arrived at the conclusion, that nothing ought to be done in regard to this question. What better witnesses, or what greater authority, could the right hon. gentleman require than the Solicitor-general for Ireland, and the Secretary for that country? As to the speech of the right hon. gentleman (Mr. Peel), it seemed to be a mere recapitulation of the opinions of those who had preceded him: the only arguments which it contained were drawn, as it appeared to him, from those brought forward in the course of the debate, and in this manner, the arguments which the right hon. gentleman had made against the motion, were weaker than those which he had made for it. The hon. gentleman who last addressed the House had asked, how the conciliation of the Catholics could be carried into effect? His answer to that question was,—by the House appointing the committee moved for by the hon. baronet. Great apprehensions were entertained by the hon. gentleman, of the admission of Catholic members, as if they would unite and thwart the measures of government. Had any inconvenience been produced by the introduction of the Scotch and Irish members into that House? "But," said the hon. member, "do we not see many instances of union and confederation amongst them?" That might be a good argument for expelling the Irish members from the House altogether; but it was no argument for the maintenance of that system of exclusion which it was the object of this motion to put down. The hon. member had pointed their attention to the example of Mexico. He, on the contrary, would call the attention of the House to a country belonging to the same continent, but to a different division of it. While they saw in Canada, great divisions and differences, while they beheld the disputes there carried to a high pitch and serious consequences resulting from them, there was one ingredient absent from this civil turmoil. There were no differences upon the subject of religion. In Canada there existed a mixed population of Catholics and Protestants, but they all enjoyed equal rights and liberties. It could not be denied that this great question was making rapid progress in England. Even those who were opposed to it were, in most instances, assailable by argument, and open to conviction. Let the diffusion of knowledge and of just principles proceed, and the final settlement of this question could not be long delayed. Those principles of liberality and toleration which had been adopted in the other countries of Europe, were making great way in England. He would not deny that there existed amongst many persons, a great prejudice against this question; but he was convinced that necessity would force them to reflect on the subject, and that reflection will produce their assent to the measure. They had already admitted Catholics to the possession of property; and why should they deprive property of its just influence? They had admitted Catholic barristers to practise at the bar, and they would not permit them to enjoy the rewards of the profession. They had admitted Catholics to the exercise of the elective franchise, and they would not suffer them to elect the members of their own choice. How could such a state of things subsist? [Hear]. And what were the advantages held out to the people of England to make them satisfied with such an anomalous state of things? On the one hand, a few Catholic barristers were deprived of the honours of their profession; a few Catholic members were kept out of that House; and a few Catholic peers out of the House of Lords; on the other hand, five millions of fellow-subjects were excluded from the blessings of the British constitution. That exclusion was followed by continual irritation and division: the energies of the country were paralyzed; those resources to which the government might look for aid in seasons of peril were dried up, and last, though not the least evil, was the perpetual renewal of the discussion of this question. This question formed a wall of separation between parties in that House, and it was set up as an almost insuperable barrier between honourable minds, who would otherwise associate and co-operate for the public good. He trusted that such an evil would at length be put an end to. Surely there was nothing so enviable in the present condition of the country and the question, as to make them tremble at a change. The greatest men who ever sat in that House had often told them, that those concessions could be safely made.

He trusted, therefore, that the House would at length, act upon that principle, and do justice to Ireland.

Mr. *North* said, he had been anxious to follow the hon. member for Corfe Castle; for, differing, as he did, so widely from him in his conclusions, he had heard nothing which had given him so much pleasure as that hon. member's speech. Indeed, he hailed that speech as a happy omen of the success of the present motion. The hon. member had endeavoured to obtain a triumph over parallels and comparisons; while he quarrelled not with the arguments of the supporters of the question, he thought it not beneath him to deal with metaphors and similes, while he shrunk from grappling with the arguments upon which the measure was founded. Did that hon. member, when he asked the House what was the mode in which they would consent to Catholic Emancipation, conceive that that of itself was the question before the House? Or did he suppose that the quere might not be retorted upon him, and that he might not be asked, whether the real and practical question before the House was,—not whether they were prepared to emancipate the Roman Catholics, but whether they were determined to effect the tranquillization of Ireland? If the hon. member should object to Catholic Emancipation as the mode of tranquillizing Ireland, could he point out any other mode by which that country could be tranquillized? What was his scheme?—in what consisted his plan? That this House should go on considering this question year after year?—that they should debate it, night after night, and session after session, and never come to a decision?—that they should produce a balanced government and a balanced legislature, rendering every man who otherwise might be neutral or passive, interested on one side or other, and each discussion of the question furnishing new topics for irritation and division? This was the hon. member's plan for tranquillizing Ireland! The House should pause long before they adopted such a course. They could not keep back the question. He was glad that they had at length put aside the Treaty of Limerick, and the engagements said to have been made at the Union, or whatever other matters might have been recorded in history, and that the question was put upon its proper basis—The actual state of Ireland. That it was which pressed them to form a decision, if they were inclined to yield to the voice of wisdom and the force of circumstances. He would not refer this question to the Treaty of Limerick, or to the Union. These topics were now out of the debate; and he regretted that the former had been introduced by the hon. baronet who had brought forward the present motion. That treaty he would not consider as affecting the great question at isssue. He would yield the arguments on that head to the right hon. Secretary, and he would concede that, at the time of the Union, no pledges had been given by the then lord lieutenant of Ireland; and, after conceding all this, he would ask, were the great grounds for the necessity of Catholic Emancipation taken away from under its advocates? Were the great arguments upon which that question had been so often and so ably supported at all impaired? Would they not, on the contrary, press upon their minds with tenfold weight, and enforce a conviction of their justice and their truth? The hon. member for Corfe Castle had laboured under a fallacy which, were it not so general, he would not deem worthy of notice. That hon. member seemed to be of opinion, that by granting Catholic Emancipation they would confer power upon the Catholic body. Gracious God! did they not see that by depriving the Catholics of their rights, whom they might thus have under the control and within the pale of the constitution, a power had grown up beyond them, which did not owe its existence to them, and which was not derived under any statute of theirs? Were they blind to the fact, that, by denying to Catholic talent its just reward, and to Catholic property and wealth its just privileges, that a power had grown up with which they did not know how to deal—which would not be controlled or brought under their direction—and which the executive government had neither the means to regulate, nor the force to destroy? The hon. member for Corfe Castle was alarmed at the idea of admitting twenty or thirty high-born, educated, well-principled and wealthy Roman Catholics into this House; but he was not alarmed at the Catholics forming a little parliament of their own in their own country—a parliament that was open to all the base, vulgar, unprincipled, and daring characters that thought proper to join it—an Association over whose decisions the voice of the parliament had no control, and in which the eloquence of those who felt themselves aggrieved had full power to act upon the passions of the people. The hon. member had certainly declaimed against this anomalous power, and had complained of its existence as a grievance, but the hon. member did not probe the matter to the bottom. He took things at the surface; the Association was only the symptom of the disease. As long as the original disease was suffered to exist, so long would they have the Association in existence, and so long would it continue to increase and to extend its power. Every session and every year that they delayed the repeal of the statutes which debarred the Catholics from their constitutional rights, would but add new vigour to the influence of the Catholic Association. Honourable members who were aware of the history of that Association, must be convinced of the truth of these positions. There was a period when the Roman Catholic aristocracy kept aloof from the Association. They were now amongst the most open, foremost, and most determined members of that body. It was but the other day, but as yesterday, that the Roman Catholic clergy did not at all interest themselves in the politcal concerns of the Catholic body. They remained perfectly passive; and he knew it to be a fact, that the Catholic agitators themselves were not apprised till lately of the energies of that great power. That formidable engine was in their arsenal, but it had grown rusty from disuse; and no man, it was supposed, possessed skill enough to work it. Now it had been put forward; and what had it accomplished? At its first effort it had beaten down the ascendancy of the Protestant proprietors in their own counties, upon their own estates, on the very thresholds of their homes—and with the arms of their own slaves, the 40*s.* freeholders. Would it be said that they knew the extent of that power? He would venture to assert, that the Roman Catholics themselves could not say that they had reached the extent of that power. That formidable power could not be measured—they could not fathom it—they could not take its gauge. He would ask any man, whether he was overcharging this picture?—whether he was exaggerating the immense influence now possessed and exercised by the Catholic priesthood in Ireland? They were aware of the existence of that power; and what were they doing? They were only confirming it in its growth, habituating the people of Ireland to its exercise, and binding up their feelings and affections with its existence. It was in this way that that power had risen to its present magnitude, and they vainly imagined they were putting it down, while they were all the time protecting and promoting it. In all countries which were under a well-regulated government, political factions were confined in the regions of power and ambition, and did not descend amongst the vulgar and the lowly. How was it in Ireland? These politics followed the husbandman to the plough, and occupied the mind of the weaver at his loom. In all grades and classes of society in Ireland, politics formed almost the sole and all-engrossing topic of conversation and discussion. They had their political attornies, political farmers, political weavers, and political shop-keepers. In fact, in Ireland every man's first concern was politics, and the next his business. He would appeal to the House, whether such a state of things should be continued? He would ask, whether they would maintain a system which generated division and animosity; which kept alive irritation and discontent; which ministered to all the worst purposes of faction? They had been told by an hon. gentleman, that the Roman Catholics possessed no indefeasible title to political power. On such a question as that he would not enter into metaphysical abstractions and subtle reasonings. He would not tell the hon. gentleman who used this argument, what rights the Roman Catholics possessed, but what rights the Protestants possessed. He would tell him what rights he (Mr. North) possessed. He would tell him what rights the king possessed. They had, then, a mutual right of co-operation to serve and assist their Catholic fellow-subjects, to restore them to their privileges, and to render them every good which lay within their power. It was time that such a co-operation should be acted on—it was time that relief should be afforded to the Catholics, freely, honourably, and effectually—it was time that those barriers should no longer exist between two classes of people, which withheld them from giving the arm of support one to the other—it was time that those disqualifications and disabilities should be removed, and that such measures should be adopted as would assist him in uniting them, for the accomplishment of any and of every object that tended to the general benefit of the country.—He did not mean to go further into the general question. If, in debating such a motion as this, he had suppressed general arguments altogether, that course was justified by the speech delivered early in the evening by the right hon. gentleman who opened the debate that evening. That speech, so highly distinguished by eloquence, by feeling, and by argument, was calculated to carry conviction home to every mind. He therefore should forbear from entering on general arguments. He had, however, conceived it to be his duty, as an humble individual who had long resided in Ireland, to lay before that House the actual state of that unfortunate country; and he should conclude here, but that he felt himself called upon to notice one observation which had been made by the hon. member for Waterford. That hon. member had said, that the time had long since gone by, when the concession of this boon would be viewed as a measure of grace and favour. He hoped it was not gone by—he hoped the hon. member was mistaken—he believed that he was mistaken. It appeared to him, that if ever there were a time when this measure could be conceded as a measure of grace and favour, that time was the present. He thought there was something in circumstances which had recently occurred—he thought there was something in the state of party as it at present existed—that would cause this measure to be now viewed most peculiarly as one of grace and favour. It would be considered not as the triumph of one party over another, but as the triumph of truth over error. Not only would it be considered as a measure of grace and favour, but it would be always viewed, from the eternal nature of things, as an act of great political justice—as an act which must produce great national benefit.

Admiral *Evans* expressed his determination to oppose any further concession to the Roman Catholics of Ireland. When he recollected the conduct of that body in 1798, he was not inclined to trust them with power. In that year, one hundred and twenty-five persons were massacred on the bridge of Wexford, because they were Protestants. When the rebellion was first planned in the north of Ireland, those who supported it set out on republican principles; but the moment the Roman Catholics got power in their hands, in consequence of the greatness of their numbers, they abandoned the position they had originally taken; all idea of liberty was forgotten, and nothing filled their minds but the hope of securing the ascendancy of the Catholic religion. Nothing could be more insulting or degrading to the House than the arguments upon which some hon. members supported the necessity of conceding what was now claimed. He had served his country long, and was willing to serve her to the utmost extent of his power; but he never would be guilty of the pusillanimity of granting that to fear, which he withheld from conviction. If the Catholics and their supporters wished to advance their cause, let them not come to us with the language of intimidation. It had been said many times, pending the discussion of this question—"Will you not concede this question to the Catholics—to the Catholic Aristocracy?" But, good God, were there no Protestants in Ireland to be considered? If those hon. gentlemen who were so zealous in their support of the Catholic claims, and their praises of the Roman Catholic hierarchy were sincere in their professions, let them embrace the Catholic religion at once. He had lived eleven years in Ireland, and he knew enough of the kind of amalgamation and dove-tailing which hon. members represented as likely to arise from putting the Catholics on a footing with the Protestants. He had talked a good deal with Catholics on the subject; and he always found that they considered Catholic emancipation as a means of exemption from tithes. He would venture upon making a proposition to the House upon the subject of emancipation. Let the legislature pass a vote by which they would give all the tithes to the priests, and exempt the Protestants from the payment of any tithes at all. If they did so he was convinced they would not be troubled any more upon this subject; for they would have the people of Ireland all of one religion almost immediately. When he first took his seat in that House he had taken a very solemn oath, which he confessed, he felt rather binding upon his conscience. Now, the members of that House, who supported Catholic claims, were quite willing to throw overboard the conscience of the king and the Coronation Oath, but they forget they had an oath to answer for themselves. The hon. baronet, who brought this question before the House, had quite scouted the idea of an oath, and had attempted to persuade them, that nothing could be more childish than the denial of the claims of the Catholics on such pretences. But he confessed he could not look upon the matter so lightly. He would ask the members of that House to tell him, whether they thought the king obtained any power from the retaining the right to nominate the bishops? If it gave the king nothing, then what he had to say came to nothing: but if it gave the king power, then what had they to say to the pope's nominating the Irish bishops and clergy? The gallant admiral then referred to the oath which the members took at the table, by which they pledged themselves to support the Protestant church and the constitution, as by law established, against all attacks; and that, too, without any equivocation, or mental reservation whatsoever. How, then, could those who supported the Catholics advocate their claims, when they took an oath which declared that they ought not to be advocated. The gallant admiral said, he spoke the sentiments of his constituents on this subject.

Colonel *Chichester* said, that the gallant admiral, though he had talked of the massacre on the bridge of Wexford, and had referred to the feelings of the inhabitants of that town on the subject of Catholic emancipation, was not, he believed, very conversant with the sentiments of those whom he had mentioned. The gallant admiral was not sent to parliament by a large population, but by the mayor and a few burgesses of Wexford. Now, he was perfectly prepared to deny that the gallant admiral had uttered the real sentiments of the town of Wexford.

Admiral *Evans* said, that the position of the hon. member was not tenable; because the town of Wexford contained ten thousand inhabitants, and the freemen amounted to upwards of two hundred and seventy [a laugh.]

The *Attorney-general* said, that the objection made to the observations of the gallant admiral, on account of the paucity of his constituents, had no relevancy whatever to the question. It would be very hard, if none but those who represented populous places were allowed to offer their opinions on this subject. If such a principle were adopted, his learned friend, the member for Knaresborough, would have been prevented from addressing them as he had done; and his learned friend, the member for Winchelsea, would not be allowed the opportunity of illuminating the House, as no doubt, he intended to do. Such a principle might, perhaps, be adopted, if the debate were on the subject of parliamentary reform; but it ought not to be introduced on any other occasion. He felt it to be his imperative duty to state his opinions on this question. The House had more than once permitted him to deliver his sentiments upon it, and those opinions remained unchanged. When Mr. Canning's administration was formed, he might have retained his public situation, if his opinions on this question had been in the slightest degree altered; but he felt it to be his duty to resign his office, because he thought he might possibly have been called on to support a principle, which he was bound in his conscience and judgment to oppose. He had uniformly been an opponent to what was called Catholic emancipation, because, though he never denied the proposition, that the liberty of sitting in parliament, and of filling offices under the king's government, might be conceded, still he always contended, that if such a concession were agreed to—"*damus, petimusque vicissim*"—the most ample security should be granted by those receiving the favour to those who were bestowing it. This was his feeling on the subject. His attention had been laboriously and conscientiously applied to its consideration; such was the conclusion at which he had arrived; such was the principle on which he had set out—and by that principle he would stand or fall.—He did not mean to travel through all the topics which had been introduced in the course of this debate. As many of them appeared to have been abandoned by the supporters of the motion, it was not necessary for him to do so. He intended to have risen after his hon. and learned friend, who had addressed the House just now (Mr. North), who was unquestionably, a very able advocate for any cause which he thought proper to support with his abilities. But he must observe, that his hon. and learned friend, in the course of his speech, had thrown overboard two out of three of the topics on which the hon. baronet who brought forward this motion had relied. He had thrown overboard the ballast, or stones, or gravel, for the purpose of righting the ship, and proceeded to sea, having, rather unceremoniously, got rid of two parts of the hon. baronet's cargo, namely, the Treaty of Limerick, and the engagements said to have been entered into at the time of the Union. Now, they all of them were given to understand, that this Treaty of Limerick was to afford new and substantial grounds for granting the claims of the Roman Catholics, and if the treaty really had been what it was described to be, there would have been an end to the question, because a positive treaty and convention must supersede all argument and reasoning, and must give to the Roman Catholics a right to sit in parliament, and to serve the king in his executive government. Now, as his hon. and learned friend, who never gave up an argument that was tenable—who never threw any thing overboard that ought to be kept on board—did not enter into the question whether the Treaty of Limerick did or did not afford a strong argument in favour of the rights claimed by the Roman Catholics; and, when a celebrated jurist, a professor of the law of nations, one deeply conversant with that law, and whose attention had been particularly called to the examination of treaties—when he, too, if he did not throw the Treaty of Limerick overboard, yet gave it a passing kick, and was marvellously short with a subject which he was peculiarly fitted to deal with,—such being the facts, he did not deem it necessary to call the attention of the House to that point, as it seemed to have been abandoned [Hear, hear]. If he was to understand by that cheer, that the Treaty of Limerick was not given up by the gentlemen opposite, neither would he give it up. Sir Toby Butler, an eminent lawyer of that day, was said to have drawn up that treaty. He would not go through the treaty at large; but he would call on gentlemen to look at article 7th., which he thought must have caught the attention of his hon. and learned friend, who was, perhaps, reading it at that moment. Perhaps it was a bull from the pope. His hon. and learned friend, he saw, had a paper in his hand, and he thought it might have been the treaty.

Mr. *Brougham* intimated, that he was reading an important document.

The *Attorney-general* said, that if his learned friend had an important document, he also (producing a book) had another. When it was contended that, by the terms of the treaty, every Roman Catholic in Ireland had a right to sit in parliament, and to serve in office, it was exceedingly strange that Sir Toby Butler, that great lawyer, should leave those important points unnoticed. No stipulation was made with respect to the right of sitting in parliament and of serving in office, but it was stipulated, that every nobleman and gentleman in Ireland might ride, carry a sword, and display a pair of pistols. He might ride on a bay colt or a white colt (Sir Toby Butler did not set forth the colour of the charger or palfrey), but the right was secured to every man in Ireland to ride a horse, to carry a sword, and to have pistols in his holsters. The hon. baronet had said, he should like to see this point argued in a court of law—but if it were brought before lord Tenterden or Mr. Justice Bailey, either of those learned persons would say, "It is too much to say that, under this treaty, such rights can be claimed, when the question of eligibility is wholly left out of it—when the most important part of the subject is not even hinted at. The Roman Catholic may ride about on a palfrey, and carry a sword and pistols—that is provided for; but there is no provision in this treaty which gives him a right to sit in parliament and to serve in office." He was very sure that, if the subject were entertained judicially, the court would hear only one side of the question, and would not ask the counsel on the opposite side to answer it. He concurred entirely with his right hon. friend, the Secretary of State for the Home Department; namely, that if it could be shown that the right claimed by the Roman Catholics was borne out by the Treaty of Limerick, the argument was at an end. There would then be no use in abstract reasoning, with respect to the expediency or inexpediency of conceding those claims. It would be unnecessary to show that expediency, because the compact would give the right. And he thought his right hon. friend acted wisely, when he saw that the Treaty of Limerick did not give any such right, to apply himself particularly to that point. It was a remarkable circumstance, that Mr. Pitt, Mr. Fox, lord Grenville, Mr. Grattan, and Mr. Plunkett, an eminent lawyer,—men who had for a series of years supported the Catholic question—never adduced this treaty as conclusive in favour of the Catholic claims [hear]. If, by the cry of "hear," the hon. baronet meant to negative his statement, he could assure him, that he had travelled through all the debates on this question, and he did not find the Treaty of Limerick mentioned till within the last year or two:—until then, it was only incidentally mentioned; but never as the foundation or *substratum* of the Catholic claims; never was it pushed to such an extent as had been attempted on the present occasion.—With respect to the next topic, the pledge stated to have been given to the Roman Catholics by lord Cornwallis, and lord Castlereagh.—He would not consider how far it was in the power of lord Cornwallis or lord Castlereagh to enter into such an engagement. The private feelings of those individuals had no power to bind him as a member of parliament; but he felt, in common with every gentleman, that their pledge ought to be carried into effect, if it had ever been given. He, however, after much examination, could not find any pledge of the kind; and it appeared, from a speech of Mr. Fox at the time, that, in fact, no pledge had been given. His hon. and learned friend, like a skilful seaman, not choosing to sail with a load which his bark would not bear, threw also this part of the hon. baronet's argument overboard, in order that he might proceed more glibly with his argument, as to the expediency of Catholic emancipation. He would not go through the whole of that argument, but he would state, why he could not concede the resolution of the hon. baronet. The hon. baronet called on the House to enter into a committee on the Roman Catholic claims, for the purpose of imparting additional security and solidity to the Protestant establishment, and of introducing satisfaction and concord amongst all classes of his majesty's subjects. Now, there were gentlemen in that House, who knew that those points had been considered, not in one committee, but in several. He believed that four committees had been formed to effect those desirable objects. If this were the first time, he should say "Go into a committee;" but, as they had three or four times gone into a committee, and, as the fruits which those committees had produced were not palatable to the House, he did not see the necessity of again pursuing the same course. In 1808 the subject was introduced into parliament under the auspices of persons of the greatest talent,—elsewhere by lord Grenville and other noble lords,—and in that House by Mr. Grattan, Mr. Pitt, and other members of the Commons. By all these high and distinguished persons it was positively declared, that Ireland would consent to the influence of the Crown in the nomination of the prelates of Ireland; and, on that basis, the argument for Catholic emancipation was at that time rested. Many in that House, and lords Grey and Grenville elsewhere, had declared that they had the authority of the Catholics for saying, that there would be no objection to the king, by his *veto*, exercising his influence in the nomination of the prelates of Ireland. Upon this basis was the bill founded. The bill, however, was lost in both places; and, in 1809, lord Grenville addressed a letter to lord Fingal, in which he stated and admitted, that the authority which the Catholics had given, had afterwards, through Dr. Milner and others of their Church, been withdrawn. That letter, which was approved of by lord Grey and others, declared that, if this concession on the part of the Catholics were withdrawn, the concession on their parts, of Catholic emancipation, must be withdrawn also. There was nothing doubtful, or obscure, or unintelligible, in this transaction. It was admitted by the favourers and supporters of the measure, that there must be security on the one hand, while there was concession on the other; and, if that security were repudiated, there must be no concessions.—Then, in 1813, Mr. Grattan obtained a committee. Many hon. gentlemen might recollect it, but probably many of the young gentlemen did not.—Those young gentlemen who had been the subject of so much eulogy, of whom it had been said that they were all favourers of Catholic emancipation.—He had no doubt that, if not all, at least a great part of these young gentlemen were in favour of the committee now moved for. And why were they in favour of it? Because they did not know what had been done in former committees—because they had never read the Journals of the House. The former committee threw out Mr. Grattan's bill, though it abounded in stipulations, and was fertile in oaths, and entered considerably into detail as to allegiance to the pope and allegiance to the king—oaths and stipulations, and details, framed most elaborately, and with the greatest precision as to the words. That bill, too, had the advantage of clauses, drawn up by a gentleman who was certainly one of the ablest draughtsmen of his age,—he meant Mr. Charles Butler. And what was the nature of these clauses? Why, one of the clauses gave to his majesty's chief Secretary of State—to the Secretary for Ireland, and to others, the power of exercising control over the nomination of the prelates in Ireland. Another clause introduced by Mr. Canning, controlled the intercourse of Catholics with the court of Rome; and by it, every document intended for that court must first be submitted to lay investigation. This was the principle of Mr. Grattan's bill. One clause regulated the nomination of the prelates of Ireland, and another afforded a check to unlicensed communication with Rome. On this bill being brought in, the Catholics, on another occasion, and while the bill which gave the Crown a control over the nomination of the prelates was pending, withdrew the authority which they had given. He very well recollected Mr. Grattan on that occasion, though the precocious young gentlemen might not: he very well recollected Mr. Grattan, upon that authority being withdrawn; and he would not say that Mr. Grattan shed tears, though he should not be very far from the mark if he did say so; but he would say that Mr. Grattan laboured under the momentary influence of feelings the most distressing, and of depression the most painful. Let hon. gentlemen check him if he was not stating what was correct. He would contend, that the Catholics rejected the bill; and that, too, on the ground stated by Dr. Milner and others, who said, that they would shed every drop of blood in their veins, rather than admit the control of a non-Catholic king over the nomination of the prelates of their church. This was their language. He would say that they called this a schismatical act of interference. He stated this, not only as the result of his own investigation, and of the investigation of others, but as the result of his own personal hearing.—He would now call the attention of the House to another point, which had not yet been noticed. In the year 1799, be it recollected, there was a resolution signed by the Catholic prelates, which declared it to be right and proper, that the Crown should have that control, which was subsequently secured by the clauses of Mr. Grattan's bill; and this it was, that led him to believe that, whatever might have been Mr. Pitt's opinions on the abstract question, his idea of a practical measure had reference to that resolution which so acknowledged the perfect propriety of this control on the part of the Crown. But, to continue the history of these measures: in 1822, Mr. Plunkett introduced a bill founded on the same principle as that of Mr. Grattan's; for, though the details were not so minute, nor so long, as those in Mr. Grattan's bill, yet the bill admitted and secured these two concessions of control. This bill was again rejected by the Catholics [Cries of "No"]. Hon. gentlemen might say "No," but he would say "Yes." He recollected very well, on that occasion, that Mr. Canning and Mr. Plunkett said—"We do not care whether they accept or reject it, we will do what is right." Then came a third committee and a third bill. Now, many of the very young gentlemen to whom he had before alluded, might recollect this without possessing as much precocity of experience as they had been declared to possess precocity of genius and talent. But he begged to remind them and the House, that there had been three committees; that the warmest and the ablest of the supporters of the Catholic claims had introduced three bills, and that, on the face of each of those bills it was clear, that it was never intended to make concessions on the one side, unless there were securities given on the other side.— Well, then came Mr. Canning's bill, which exhibited a complete dearth of securities: why, he could not tell. But, when so many eminent persons had not ventured to propose concession without security, it was not very likely that a bill without any securities would pass. If some of those great men had died, surely these securities had not died with them. His learned friend, the member for Knaresborough, had complimented the hon. member for Armagh, the other day, and told him that he would be placed in the page of history by the side of Mr. Grattan and Mr. Fox. His learned friend had said, that Mr. Grattan and Mr. Fox were advocates of the same measure that he advocated: but if his learned friend meant to advocate a bill without securities, he must deny that he was supported either by the authority of Mr. Grattan or of Mr. Fox. Concessions on the one hand, and securities on the other, were the basis on which all the measures which received their support had been founded; and, therefore, though the motion of the hon. baronet was merely that the House should go into a committee, he must take the liberty of inquiring what it was intended should be done, when they had got into a committee? Did they mean to propose those bills which had already been rejected; or did they mean to propose a bill without any securities at all? He was loth to trouble the House with any discussions which might seem to turn upon parliamentary tactics, yet he thought that they ought to have the bill, and see what it was like. He knew it would be said that they could not see this without going into a committee [cheers]. Hon. gentlemen need not cheer so loudly; though there might be a deal of precocity of talent in the House, they need not be so profuse in their cheers. He would contend that this resolution was adapted to mislead the House, because it asked them to go into a committee to do that which the House could not do; and for this reason, if they intended that the bill should provide security while it granted concessions, then, as they had seen, the Catholics would not agree to it; and if they meant to propose a bill which should grant absolute emancipation without any security, the House would agree to no such measure.—He should now call the attention of the House to some other circumstances connected with this question. The professed object of the resolution was, to produce concord between the Protestant and Catholic subjects of his majesty, and secure the Protestant establishment. Now, in both the bills to which he had alluded, he read the same language. They both departed from the quaint peculiarity of parliamentary diction, and declared the object of their enactments to be the knitting and uniting of all his majesty's subjects: and therefore he must again take the liberty of saying, that the retrospect of what had passed might assist them in forming an opinion of the probability of their effecting this alliance of hearts, this sympathy of affection, this inviolable concord.—Some of the hon. gentlemen opposite had very lightly, and somewhat rashly, questioned whether, at the Revolution, the principle of Protestantism was made irrevocable. He would say, that the constitution was not made to depend upon the existence of a Pretender,—upon the extinction of the descendants of James 2nd.—but that it was intended to be permanent and irrevocable:—and he was at a loss to conceive how any man, with the documents and the deliberations of that period before his eyes, could come to any other conclusion. The perpetual Protestantism in the constitution was secured, in the first place, by declaring that the king must be a Protestant; in the second place, by declaring, that the executive servants of the Crown must be Protestants; in the third place, by declaring, that the parliament must be Protestant; and, in the fourth place, by providing for the security of the Protestant Church of the realm. These four points made one consolidated proposition, by which the constitution was to be regulated for ever. Take away any two parts of this proposition, take away the exclusion of Catholics from civil offices and from parliament, and they would make the support of the other parts depend upon whether certain posts were filled by Catholics or Protestants. Was it not true, that if the king married a papist, he lost his right to the Crown? Did the Bill of Rights say that, in the event of such an occurrence, an act of parliament should be passed to exclude the king from the throne? No; it declared that, *ipso facto*, the king lost his right to the throne. So also, if the king held any communication with the see of Rome. Part of his fear, too, arose from the circumstance, that the Established Church of Ireland would be endangered, and that, by the Union, was made one of the three *fulcra*, either of which, if injured, would materially affect the whole. By the principle of the present measure, too, there was given to the Catholic Church all management and control over the whole of the Catholic population of the kingdom. They had had a great deal of discussion upon this subject,—upon certain branches of the jurisdiction of the see of Rome. He admitted that, in all cases the line of demarcation between the civil and ecclesiastical jurisdiction of the see of Rome was not very easily drawn. In some cases, this was not difficult. Let them, however, first recollect, that the Irish prelates, according to their own declaration, would, rather than admit the control of a non-Catholic king, lose every drop of blood in their veins. But, to return to the Irish prelates. Let the House consider what their power would be. First of all they would have the right of granting or withholding every spiritual right,—of annulling marriages,—of refusing to perform the rites of baptism or burial. They would influence every question, which, ever since the reign of Henry 8th, had been under the uncontrollable authority of the civil courts. And where would the appeal lie? Not to judges appointed by the Crown, not to any tribunal constituted and sanctioned by the legislature, but to the see of Rome. Now, though he was not without sympathy, yet he must urge what the effect of this state of things would be upon the population of the country. Would any body here submit to such an exercise of power on the part of the Church? Suppose the prelates here had the same uncontrollable power as the Catholic prelates derived from the see of Rome, would any gentleman say that, in all the points which he had mentioned, involving, as they did, rights purely civil, he would be content to submit to the decision and jurisdiction of the bishops? He thought not; and his argument, therefore, was this.—Would they give to the prelates of Ireland that firm power and authority over the population of Ireland, and leave the final appellate jurisdiction to the see of Rome? —But this was not all. The power of the Church of Rome was still more extensive. Most persons were in the habit of reading the newspapers [hear, and laughter]. Yes, even the young gentlemen; but then, if this were prohibited by the Church, the persons offending would be liable to a sentence of excommunication [hear and laughter]. They might laugh, but this was the fact. A noble lord (F. L. Gower), who had spoken in language the most classical, and with argument the most forcible, had said, that the doctrines and opinions of the Church of Rome were so mischievous, that they would beat them down with that powerful machine, the press. But what became of their liberty of the press, under such a system as he had described? See how it vanished before the influence and authority of the priesthood! For, in order to do any good by means of the press, two agents were necessary. First, persons able to write, and next, persons able to read. But suppose the priests would not allow of readers? The noble lord, who had argued that the press would do so much good, might choose to engage in polemics; and if the noble lord did, no doubt they would be extremely valuable; but then the noble lord's readers, however clever and convincing his polemics, might be excommunicated for reading them.—There was another argument too, founded on the circulation of the Bible, and the dissemination of tracts intended to dissipate the dark clouds of popish corruption; but it appeared to be forgotten how the pope, even now, had treated these exertions. He was not a member of Bible societies; but some of the first persons in the country, supported by their presence and their purses those associations, whose object was, to extirpate prejudice and remove false notions, by the circulation of the Bible, and religious tracts. Perhaps hon. gentlemen were not aware of the compliments which the pope had passed upon the persons who formed those societies. Probably they were not aware that the pope, in his encyclical epistle, had designated them as strolling players, who went about diffusing plague and pestilence. Besides this, had gentlemen, when they talked of the liberty of the press, forgotten that the Catholics had an *Index Expurgatorius*, into which the pope or priesthood put any book they pleased? Suppose any gentleman who wished to write a treatise on whatever subject, had his name and his work put into the *Index Expurgatorius*, the bishops had the power of excommunicating any one who should read such work. And yet the press was the mighty machine on which the noble lord rested—the *fulcrum*, powerful enough to tear up prejudice, however deeply rooted, and to oppose, with success, the exertions of that power which could at once deprive it of its strength by circumscribing its operations within whatever limits it pleased. Let the House, then, look at the state of slavery to which the population of Ireland would be reduced, if placed under the control of the Catholic priests. The right hon. member for Knaresborough had alluded to the writ *de hæretico comburendo*. What his learned friend had said on this subject was perfectly correct; but he was afraid that that doctrine still continued in the Catholic Church [hear]. Hon. members might spare their cheers. He was not going to subject himself to their *badinage* by saying that he had any fears on that score; his argument was this,—and he wished the friends of the liberty of the press to answer if they could,—that the priests of the Catholic Church could prohibit the reading of any book they thought proper. What would be said in this country, if the king took upon himself the power of dictating what books should be read and what not read, or delegated that power to the bishops? Would any gentleman present uphold such a system of things in England? No! Then why should they wish to put Ireland in such a situation? What could the learned member for Winchelsea, whose exertions had been productive of such incalculable benefit in the cause of education, say in defence of a religion by which the people were forbidden to read the Bible, except in a language which they did not understand? But he would request the attention of the House to a still stronger portion of the case. It was not for concession, or even for equality, that the Catholics of Ireland now contended; superiority, intelligibly and almost openly avowed, was the object of the Romish Church. Dr. Doyle and others had asserted, before the House of Lords, plainly and directly, that the bishops appointed by the king were not the legitimate and apostolic bishops of Ireland. In one of the letters of J.K.L., it was laid down, that the lawfully appointed archbishop of Dublin had no right to, or real power in, his office: and it was notorious that the see of Rome treated the Catholic as the Established Church of Ireland, and the Protestant establishment as intrusive. Would any rational man say that there was no danger in having royal bishops named by the king, and papal bishops named by the pope? Was the Protestant Church in Ireland secure under such circumstances? In the reign of James 2nd, the see of Rome put forth claims much resembling these; and, although James did not go the entire length of granting them, he allowed the pope to divide the kingdom into four districts, and to appoint to each of them a vicar apostolic, exercising episcopal authority. It would be an utter abandonment of the right of the king's Protestant subjects in Ireland, if they were left under the dominion of the court of Rome. Yet that was what the Catholics required. Why, then, go into a Committee on the question? What could be done in such a committee, when the Roman Catholic bishops in Ireland had declared that they would shed every drop of blood in their veins before they would consent to the slightest intervention, on the part of the king, in the affairs of the Church? In the course of the debate he had heard allusions made by the supporters of the motion to the example of the continent; and it had been said that we, as an enlightened nation, ought not, in our policy, to be behind the states alluded to. Particular allusion had been made to Prussia and the Netherlands. What were the facts respecting them? That in Silesia, the king of Prussia named the bishops—an arrangement which, if adopted in the present case, might perhaps be an adequate security; and that in Belgium, the Catholic bishops were made by the Protestant government. As to France, the same control over the Romish Church existed in that country as in England. No rescript of the pope's was allowed to enter France without the king's sanction; and the king appointed all the ecclesiastical judges. The fact was, that those who adverted to other countries could produce no country in the world, in which there did not exist a control over the authority and influence of the see of Rome. What was there then to justify these violent attacks on the rights and privileges of his majesty's subjects in Ireland, by what was called "qualified emancipation?" Not only in no Protestant country, but in no Catholic country, in the world, was there an absence, or even an approximation to absence, of control over the power and influence of the see of Rome. Let it be proved to him that there was no danger to Ireland and to England, in that which was considered dangerous in every other country in Europe, and on the establishment of that solitary principle, he would admit that Great Britain and Ireland ought not to be exceptions to the rule. He had heard it said, that the subject of the Catholic question was wholly exhausted—that it was impossible to say anything new upon it. A pamphlet, however, which he held in his hand, proved that it was very easy to say something entirely new. This pamphlet was written by a right hon. member of that House (Mr. Wilmot Horton) a very ingenious man, who had found out a cure for what had hitherto perplexed every body else. That cure was to admit Catholics into the House of Commons; but to institute an inquiry into the nature of the different subjects to be discussed, and to compel them to be dumb and inactive on all religious matters, and to speak and vote only on civil questions. On all spiritual discussions the Catholic members were to be like dummies at a game of whist. A committee was to be appointed to inquire what questions were ecclesiastical, and what civil. Dr. Doyle, and the other Catholic doctors, had declared their inability, in many cases, to draw the line between civil and spiritual matters: but the ingenious author of this pamphlet, seemed to think that the distinction could be made without any difficulty whatever. Under such circumstances, the Catholic members would be placed in a situation similar to that of some of the voters of which the House had heard at Penryn and elsewhere, who were called half-men and quarter-men. The members of Parliament whom this right hon. gentleman was disposed to admit would be only half-men; for on only half the subjects that came before parliament would they be permitted to speak or to vote. Now, who, after this proposition, would say that the Catholic question was run quite dry, and that no novelty could be introduced into the consideration of it?—He had witnessed with great pain the departure, during the discussion, from the tone of the hon. baronet by whom it had been commenced; and he could not help feeling great regret at the change. The latter part of the debate had assumed a character which was a total dereliction of that which pervaded the hon. baronet's speech. The House were now called upon, not to treat with equals, but to submit to superiors. We were not to talk for a moment of securities; but a concession of the full and unqualified claims of the Catholics was at once to be extorted from us. We were required to sue for peace,—

> "Oremus pacem, et dextras tendamus inermes."

All the doctrines which had been urged by Pitt, by Fox, by Burke, were to be abandoned. Conciliation was to be the sole object; and the unqualified demands of the Catholics were to be at once submitted to. We were to surrender to them, and even without the honours of war, nothing less than the British constitution: we were to surrender to them the Bill of Rights: we were to surrender to them the Coronation Oath: nay, he had heard it stated in broad terms, that the Coronation Oath ought not to be considered binding on the conscience of the king. On these grounds he contended, that the proposed committee ought not to be agreed to. For, from committees of a similar kind two bills had emanated, the provisions and securities of which the Catholics had refused to accept; and he trusted that no man was absurd enough to think that, by intimidation, the Protestants of England would be made to surrender, without protection, the principles of the constitution; or repudiate that Protestant feeling, which both in England and in Ireland, supported the throne, and the civil and religious liberties of the country.

Mr. *Wallace* said, that although he certainly was not one of the young and highly-gifted members, of whom the learned Attorney-general had spoken so tauntingly, he would beg leave to trespass shortly on the attention of the House. The last observation which had fallen from the learned gentleman appeared not a little extraordinary. The learned gentleman had used an expression which conveyed rather the watch-word of a party than the meaning of any thing which had been addressed to the House in the course of the present debate; namely, the word "intimidation." In his conscience he believed, that no hon. gentleman who had spoken had had the least idea of saying any thing which could be justly called intimidation. On so momentous an occasion, it was the duty of every gentleman to put forward all that he thought calculated to throw a light on the subject; and to state, honestly and fairly, the black part of the prospect as well as the white. It was scarcely fair, on the part of the learned gentleman himself, to "intimidate" hon. members from explicitly declaring their sentiments by the use of such a phrase. The learned Attorney-general had advanced some singular positions with regard to the Treaty of Limerick. Having observed that the hon. baronet who introduced the motion had dwelt emphatically upon the violation of that treaty as one of his arguments, he had added that an hon. and learned friend of his had tossed both that and the argument grounded on the Union overboard as worthless. The fact was, that the arguments derived from the violation of the Treaty of Limerick and of the Union might aid the present question; but on neither of those arguments did the question mainly rest. When, however, the learned gentleman proceeded to say, that even lord Plunkett had never put forward the violation of the Treaty of Limerick, either as a main or as a collateral argument in support of the claims of the Catholics, the learned gentleman was in error. He well recollected, that in one of the most eloquent speeches ever made in that House, lord Plunkett had described the Treaty of Limerick as a solemn compact between the reigning power of the time and the people of Ireland, and had proved to the conviction of all unprejudiced persons, that that compact had been grossly violated. He did not mean to dwell upon the Treaty of Limerick, but he called the attention of the House to the fact, in order to vindicate lord Plunkett from the charge of having omitted to notice it. He would now pass to the main topics of the learned Attorney-general's speech. The first was the securities, which, it seemed, the learned gentleman would have accepted, if they had been given at an earlier period of the discussion on this great question. He was glad to hear a concession of this kind; for he thought the learned gentleman must acknowledge that he was mistaken, when he treated the committee sought for by the hon. baronet's motion, as a place where it could not be expected that securities would be proposed. He apprehended that the committee sought for by the motion was one which would admit any discussions of that nature; and that an important part of its labours would be, to deliberate on what it might be advisable to require in the way of security from the Catholics, in order to establish the tranquillity of Ireland. This he most earnestly hoped the committee, if appointed, would do. It would, in fact, be an essential part of their duty to endeavour to settle for the people of Ireland such terms as might admit them to a share of the constitution of the empire. And here he begged leave to ask the House whether, if they refused to appoint this committee, they were prepared to have it told to the people of Ireland by their constituents, that parliament had finally decided never to concede to the Roman Catholics their fair share in the constitution? Was that to be the effect of putting a negative on the motion of the hon. baronet? And he apprehended that no other interpretation could be put on the refusal: for, under what circumstances could the people of Ireland hope that such a proposition would be agreed to, if it were now refused? When could the people of Ireland stand a better chance of obtaining the object which, for eight and twenty years, they had been vainly soliciting the legislature to grant them? The learned Attorney-general talked of the reluctance of the people of Ireland to give securities. But had the legislature ever suggested what securities they required? On the contrary, they left the people of Ireland to guess what securities would satisfy them; assuming the power of rejecting, from time to time, any securities that might be offered them, unless those securities happened by a successful conjecture to hit their taste. Unless, therefore, the House consented to the appointment of a committee, in which it might be stated what securities would be accepted, the people of Ireland would never believe but that the legislature had decided finally (as far as any legislature could be said to decide finally) against their claims. If that was the true construction to be put upon negativing the motion, he would ask the House, if they were prepared for the consequences likely to ensue? Would the people of Ireland immediately forego their claims? Would they cease to entertain the idea that they were entitled to that which they had so long and so ardently sought? Would they sit down in patience and in silence under their disappointment? The House would give him leave to say that the Irish—a nation of united nobility, priesthood, and people—would not be disposed so to relinquish their rights. What followed? That this most mischievously protracted question must go on, year after year, with the addition of fresh grievances. Nor was it too much to say, that the dangers by which it was now environed would be multiplied, until they arrived at a height frightful to contemplate; especially when the character of the men to whose guidance the Catholic population of Ireland had been compelled to commit their interests was taken into consideration. Could it be supposed that those men would sit quietly under such circumstances? When once it became known that the decision of the legislature was against the Catholics, the body to whom he alluded would proceed in their course with an accelerated and accelerating velocity. He had ventured to throw out these observations, not with any view to "intimidate;" but in the hope that they might assist in inducing the House not to refuse the committee. By agreeing to its appointment, they would give no pledge whatever. Every member of the committee would be perfectly free. The only consideration for the committee would be, what were the securities which, under all the circumstances of the case, it would be expedient for the legislature to propose? [The House here began to expres great impatience, and frequently interrupted the hon. member. Cries of "question, question! time, time!" became frequent; and the noise made by the members, rendered the hon. gentleman inaudible for almost the whole time he was speaking.] The hon. member contended, that the Catholic Association was not illegal. He was not the advocate of that body—no man condemned their proceedings more than he did; but it was not an illegal it was only a mischievous body. If it were illegal, the petitions which had been sent to parliament should have contained accusations against the government, and the law officers of Ireland ought to have been removed. If that body were illegal, why was it not prosecuted? merely because it violated no laws.—He admitted the Protestantism of the constitution. He admitted, that at the Revolution, the connection between the Protestant Church and the State had been established; and he hoped never to see it dissolved. There was no question now, however, affecting that dissolution. The only question concerning it, growing out of the subject then before the House was, whether the measure proposed had any tendency to weaken that connection, or hasten the dissolution? He had listened attentively to the whole debate, and had heard no other argument agaisnt the motion than a metaphor. The metaphor was this—by doing away the disabilities, we should shake off one of the links of the chain; but he would meet this argument by the same metaphor. He admitted that it was striking off one of the links of the chain; but it was the end link by which the chain would be shortened, not weakened and it would continue to bind the Church and State together more firmly than ever [the cries of "question!" here became louder than ever, and rendered the hon. member inaudible.] We understood him to say, that the legislation on this subject had always been directed by the conduct of some few individuals, and not with regard to the interests of the whole Catholic body. The disabilities had been continued because some individuals were violent. There was Dr. Doyle, on the one hand—["Oh, oh!" "Question question!" "Time, time!" now became so loud, that the hon. member sat down.]

Mr. *Butler Clarke* begged pardon for obtruding himself on the House at that late hour, but he rose at that moment, conscious that another opportunity would not be afforded to him before the close of the discussion. As the representative of a large county in Ireland, not pledged to any party, not sent there, as had been said by an hon. member, by the Catholic Association, but as the representative of a most numerous body of respectable Roman Catholics, he felt it his duty to state his opinion on this question. What an hon. member had said of the Catholics was not correct. They were not hostile to the Church: if so, why had they paid tithes so cheerfully, and why had they agreed to the commutation? The manner in which they acted concerning tithes was a proof of their cheerful obedience. The Catholics were deserving of great praise. That they were increasing in numbers was a fact not to be denied; and if out of seven millions of people, there were two millions of men in rags, who cared nothing for life the House could not expect that they would not show what their feelings were when an opportunity offered. The learned Attorney-general had not thrown overboard the Treaty of Limerick, though he had done so with the Union. Now, he would appeal to every Irish member, whether the Union could have been carried, if Catholic emancipation had not been promised to be conceded? If the Catholics had been hostile to the Union, it never could have been carried; but, in fact, they had been cajoled into an acquiescence in that measure.

Mr. Secretary *Huskisson* said:—At this late hour of the night, Sir, I must crave some little indulgence, for offering myself to the House. I confess that, on a preceding evening, I was not sorry at the adjournment of the discussion; and if I was not sorry then, I am much less so now that the postponement of the question has had the effect of preventing the able and eloquent speech of my right hon. friend who spoke first this evening, from being lost. I confess I should, under any circumstances, have very reluctantly given a silent vote; and before I give my vote upon the question, I wish to record, as briefly as possible, the views and feelings by which I am directed in giving it. Having had upon former occasions, an opportunity of stating the views I entertain of this great question generally; having been a member of this House during all the discussions which have taken place upon it since the period of the Union; and not being therefore one of those, "buds of genius"—one of those "young germs" just coming forth, whom my learned friend invited to retire from the debate, and improve their minds by reading all the Journals of the House, I confess I did not expect to hear urged those topics which have been put forth so prominently, and I must say unfortunately, for the cause of the petitioners—I mean the Treaty of Limerick, and the transactions of the Union. With reference to the Treaty of Limerick, I almost entirely concur with what has fallen from the Solicitor-general, and from my right hon. friend the Secretary of State for the Home Department, differing as I do from their general view of the question. Anxious as I am for the success of the hon. baronet's motion, I wish to place the chance of that success upon more cogent reasoning, upon higher and better grounds than any that can possibly be derived from the forced construction of an old and gone-by compact. This, Sir, is all I shall say upon the subject, except that I would, for those other reasons which were so ably stated by my right hon. friend, and which had reference to the characters of public men, as well as of the greatest of monarchs, recommend those who brought forward the treaty to follow the example of my right hon. friend, and give the House a promise never to introduce the topic again. I am sure I am not the only person friendly to the question who would look at it with indifference, if it were to be discussed and settled, not with reference to the existing interests of Ireland, but upon the basis of the Treaty of Limerick. With reference to the transactions of the Union, and the communications which are supposed to have taken place upon that measure, I can state with the most perfect confidence, that no pledge, no promise, no assurance of emancipation, was given, at the time of the Union, to the Roman Catholics on the part of Mr. Pitt. The right hon. member for the county of Kerry has stated, that he was in office when the negotiation of the Union took place, and that pledges were given on the part of the English ministers. Sir, it was also my lot to be then in office in this country, in a situation which peculiarly placed me, independent of habits of private friendship and of confidential communication with Mr. Pitt and Mr. Dundas, within the view of that transaction. I must state, with reference to the explanation given by the right hon. member for Kerry, that, although taking a different course from him in the relinquishment of office, when Mr. Pitt and Mr. Dundas retired from the cabinet, I am prepared to confirm all that the right hon. member has stated, with respect to the views taken by those two statesmen, as to the non-relinquishment of office by gentlemen on the ground of not being able to carry the Catholic question! I was even pressed by Mr. Pitt to remain in office, that I might have the opportunity of serving the Catholic question by not retiring. Mr. Pitt declared, that there was no necessity for my retiring upon that ground, and added, that all who were not members of the cabinet would best consult the interests of the Catholic question by not retiring from office. I relinquished my public situation at that time, and would gladly relinquish the possession of office now and for ever, if I could, by so doing, accelerate by one month, the final and satisfactory adjustment of this important question. But, Sir, when I say, that neither pledge nor assurance was given to the Roman Catholics by Mr. Pitt at the time of the Union, I must, at the same time say, that strong impressions went forth, and became known, and had their influence upon Catholics and Protestants who were attached to the connection of the two countries, and who were impressed with the disposition to support the Union, in consequence of the impressions which they so received. I say, Sir, that those impressions had more or less weight with those respectable persons, in inducing them in the struggle of parties in Ireland, to side with the views of the English government. I speak now from recollection; but I can say, with perfect confidence, that, seeing all that passed in Ireland, between 1793 and 1799, including within that period the memorable rebellion; seeing the act of 1793, which gave to the Roman Catholics the elective franchise; seeing the hair-breadth escapes which Ireland had from foreign invasion; I say, Sir, that looking at all these circumstances, and foreseeing what, at no distant period, must be the consequences of giving the great body of the Irish the elective franchise, Mr. Pitt did consider, that the best chance of safety to the Protestant Establishment of this country, was to be found in incorporating the Catholics with the Protestants. Mr. Pitt thought that it was by the union and identification of the two great bodies of the people, that the best prospects were afforded of giving the Established Church of Ireland safety and permanency. On the other hand, Mr. Pitt thought the granting of further claims to the Catholics in the Irish parliament, would have the effect of endangering, if not of overthrowing, the Protestant Church —that if the claims were resisted in a separate legislature, a scene of contention, strife, and confusion, would ensue in Ireland. Therefore, the conception of Mr. Pitt's mind—a conception worthy of such a mind—was, that the two countries and the two parliaments might be united, and that thereby the emancipation of the Catholics might be safely conceded. On these views of Mr. Pitt, many persons of weight and influence in Ireland were induced to give their support to the Union. They were, on these grounds, induced to forego that reluctance which men naturally feel to sacrifice the independent existence of their national legislature. Mr. Pitt had in mind the former struggles of that unfortunate country; and he thought that a Union of the two legislatures would contribute to the safety of property, and of the two countries in general. Of the two parties, one had much to lose and every thing to apprehend from the separation of the two legislatures; the other party, that had every thing to expect, had been disappointed in all their expectations, ever since they consented to the Union. There had been no promise, no assurance, no pledge given by the English government, and consequently there can be no actual breach of contract; but there had been a great disappointment, and he had felt much force in the argument used on Friday night by the hon. member for Waterford, that as the people of Ireland had been deprived of the opportunity of accomplishing their own emancipation, they could make an appeal, if not to the strict justice, at least to the generosity of the imperial legislature.—The view which I take of the question is the same as I have ever taken of it since it was first discussed in the united parliament. I have retired from every successive discussion, whether successful or not, with an increased sense of the growing urgency of concession. Whatever may be the decision of this night, I shall retire from the discussion with increased confidence that concessions to the Catholics cannot much longer be delayed. The question had occupied more of the time of parliament than any other; and it had, more than any other, elicited the greatest flow of eloquence, the greatest exertions of talents, from some of the ablest men that ever sat in this House. If the exertions of such men have not been brought to maturity, they have tended to form and direct the public opinion upon the subject. The public opinion has been passive; but let it become active, and from that moment the difficulties which are thrown in the way of this great question will be removed. Whatever may be the opinion of the less educated portion of the English community upon this subject, I do believe—or rather I did believe, until something in the course of this discussion induced me to doubt the fact—that among men of education and intelligence there no longer existed any question, that this subject was not one which ought to be mixed up with considerations arising out of mere differences of religious creeds; but that it was entirely a question of state policy. I shall not here stop to compare the purer doctrines of the Established Church of England with the errors of the Church of Rome. Whatever may have been said to the contrary by the hon. member for Louth, I am borne out in my opinion by those whom I consider the established and legal guardians of the Church of England. To their honour, it cannot be too much known that one of the brightest ornaments of the bench of bishops, the bishop of Chester—had declared that the Catholic question ought to be looked at exclusively with reference to the security to the Established Church of England. The right rev. person to whose opinion upon this subject I refer said, "If all can give equal security, let all be admitted,"—and he concluded by expressing his conviction, that "if parties can be admitted to the enjoyment of state privileges without danger, exclusion becomes indefensible." Sir, I wish these words to go forth to the public—I wish them to be known and read by every man in the country. I trust every obstacle that is to be found in the public feeling of the country may be removed by, and give place to, the statesman-like, enlightened, and liberal doctrine of that right rev. prelate. The case being one of abstract justice we have no right to exclude the petitioners, except a case of special danger can be made out against them. The question, being once made one of admission or exclusion, and being once considered with reference to security only, becomes greatly simplified. Notwithstanding all I have heard from the learned Attorney-general, I am convinced, when the public comes to look at the question in this point of view, they will perceive that, in the absence of the evils complained of, they will find the best security; for the present system creates and perpetuates dangers, far more formidable than are to be apprehended from the concession of these claims. Sir, let us only shew that we appreciate in Ireland, as we have lately done in England, the great value of religious peace; let this be the foundation on which to rely for security; and then, as in a recent instance, there will not be found much difficulty as to the point of obtaining an adequate security, whether that object be accomplished by a statutory enactment, or by a simple declaration. But my learned friend, the Attorney-general, called on "the buds of genius" to take care that they saw clearly that all the securities could be granted which were requisite, and might be considered adequate, before they proceeded a step further in the way of concession. To those young and inexperienced members — whom my learned friend addressed, I, as an old stager, say, that it is amongst the stalest of all arguments for a call to be made for security by those who have already formed the resolution never to concede what is demanded. Sir, I should say, in fairness, let my learned friend, and those who think with him, begin by telling me, that they are not decidedly adverse to the principle of this measure, and it will be time enough then to talk of security. But I repeat, it is not reasonable to call upon me to provide guarantees before they have admitted the principle of concession; and I also say, that before they ask me for security for this, that, or the other, it is incumbent on them to shew the existence of a specific danger, to lay before me its particular nature, to prove how it is likely to work, where it will commence its attacks on the body politic, how it may be expected to sap the vitals of the state. It is impossible, unless the danger to be apprehended, be made evident, for a common understanding to provide remedies for the evil. Sir, when we are talking of these securities and safeguards, which formed so great a portion of the speech of my learned friend, I do not know how to point them out, until I have a more distinct view of the difficulties and dangers in question. If my learned friend will not tell us the precise nature of the dangers to which he has alluded, at least let me be allowed to tell him what dangers are not to be apprehended. We have not to fear the power of the sword, because already the Roman Catholic portion of the community are eligible to high command both in the army and navy, and admissible to every situation of confidence and authority in these formidable branches of the public service. I may be answered, that this is a measure which was procured by stealth. Would to God that by an equal stealth the measure now before the House were conceded, and I am sure as little danger would arise from its concession as from the admission of Roman Catholics to places of trust and confidence in the army and navy. The danger which my learned friend apprehends cannot arise from the power of the Catholics over the revenue of the country, for I believe, at the present moment, Catholics are as eligible as Protestants to fill all situations connected with the management of the public revenue. Here, then, in the exercise of two great powers, with respect to the administration, of which a free and Protestant state may be justified in entertaining feelings of jealousy, it appears we have equal confidence in Catholics as Protestants, without requiring any more pledge or security in the case of the former, than in that of the latter. Is the danger which my learned friend apprehends discoverable in the inability under which we labour to prevent the intercourse supposed to exist between the Catholics and the see of Rome? My learned friend dwelt so much upon the subject, that young members may be under an impression, that in the king of England's dominions there is not one individual who is in communication with the see of Rome. Why, Sir, the fullest intercourse exists between the Catholics of Ireland and the Roman see, and that without the inspection or cognizance of government. Does the danger relate to the nomination of the Catholic bishops? We know full well that this is the only country of Europe in which the government has no power of interference on this subject. But if we remove the Catholic disabilities and pacify Ireland, the pope would not be backward to grant to England what he has granted to Prussia, Russia, Baden, the Netherlands, and other countries of Europe. The Protestant state of Prussia has the nomination of all Catholic bishops, and has a control over all their correspondence with the see of Rome; and only let us act as the king of Prussia has acted, and the pope of Rome will act by England as he has acted by Prussia. This is an important part of the question, and I am anxious to see this intercourse which now exists between our Catholic subjects and the see of Rome brought under proper limits, and regulations. But, so long as the House refuses to entertain the question now before it, so long will it be absolutely impossible for the government to do any thing which can control this intercourse and provide against the evils to which it is liable. I repeat, that I think this is a most important view of the question; for although I do not go the length of the hon. member for Newport, I am no advocate for the Catholic religion; I view with hostility its institutions and doctrines. This may be a prejudice of early education; but if it be, all I can say is, that it is a prejudice which I have submitted to the most rigorous self-examination. I do not mean to say that the christianity of the Roman Catholic Church, taken apart from its institutions, contrivances, and devices, is not a good system of christianity; but, in the dark and barbarous ages, in the times of superstition and bigotry, artful and designing men, profiting by the worst passions of our nature, did, by contrivance and by cunning devices, connect with that religion many of the most dangerous and mischievous institutions. It is against this perversion of religion, it is against this wickedness, that I am anxious to guard the people of this country; and the real question is, whether, by entertaining the present proposal, you are not taking the most effectual steps to effect this desirable object. I agree with the hon. member for Newport, that mankind have experienced much benefit from the Reformation. I wish I could say that I entirely agree with my right hon. friend, the Secretary of State for the Home department, that the measures taken to put down the Catholic ascendancy had contributed to the same end. I entirely concur with what was stated by a noble friend, with respect to the influence of the progress of society, and of the press. We see that in France the Catholic religion has not been able to resist the power of the press, imperfect as it is in that country, and, notwithstanding, that religion received every possible support from the royal family. I say then, Sir, that if this cannot be done in France, where there exists a Catholic court, a Catholic army, and a Catholic population, how can it be done in England, where we have a free press and a Protestant government? Sir, I may lay it down as a general principle, that the Catholic religion could not exist in a country under the influence of a free press and a Protestant constitution, unless sustained by the counter-acting effects of persecution. This, Sir, is precisely the case with respect to Ireland; this is the power which paralyses every exertion; this is the power that taints every boon which we have extended to the people of that country; this is the power that drives the aristocracy and wealth of Ireland into an unnatural association with democracy and the priesthood. Take from that country the influence which persecution gives, and you will find that the evils which we now deplore will dwindle, under the influence of discussion and a free press, into an insignificance equal to that in which the once dreadful crime of witchcraft is now held. But witchcraft, it should be remembered, had its votaries; and doubtless, if the world could again be thrown into such a state of darkness as to re-enact the punishment once attached to that alleged crime, it would again be believed in as fully as it ever has been. I call upon you, then, in the name of the Irish people—in the name of the Protestant church—in the name of Protestant England—in the name of the people of England, who are anxious to preserve peace, to give a free press, to give the Protestant Church and the energies of the country, fair play, by removing these persecutions and restraints, and thereby lessening the influence of the Catholic priesthood, An hon. member has used one argument, which I own appears to me to be a sort of libel upon the people of England, and a disparagement of this House. It is supposed that the introduction of a few Catholic members into parliament would have the effect of setting at nought a Protestant Crown, Protestant representatives, and a Protestant people; in a word, that they would take both the House and the country by surprise. But, Sir, supposing they did take the House by surprise, have we not a House of Lords? Have we not the Throne to interfere between them and such a result? but, above all, have we not that centinel that never sleeps, to put down and annihilate all such attempts—I mean a free press? I really think that this is a sufficient answer to what has fallen from my hon. friend, the member for Corfe Castle.—Again, it has been urged, that if we admit Roman Catholics into this House, we shall find them combining, as the Scotch members are said to have done. I always understood, that all classes of society, agricultural, manufacturing, and commercial, were represented in this House: and we have heard of some interests occasionally combining against others; but that such a combination as that alluded to by my hon. friend could take place, I positively deny. I am ready to concede, that, by the Act of Settlement passed after the Revolution, it was expressly stipulated that the Established Church should be strictly Protestant. God forbid that it should not! God forbid also that that law should not be permanent; and not only Protestant, but Protestant according to the Church of England. The connection between Church and State existed long before the Revolution, and will, I hope and trust, long continue. But am I to be told, that the Act of Settlement was intended to be permanent, without the power of making alteration or amendment? Am I to be told that all points and provisions of that act are to be continued in the same form in which they were enacted in 1688? Why, Sir, that very Act was seriously affected by the Union with Scotland, for by that union persons of a different religious persuasion from the Church of England were admitted into both Houses of Parliament; nay, persons who were looked upon by our Church as fanatics and rivals;—I mean the Scotch Presbyterians. Why not call this an innovation of the law as well as that now proposed? But there is another deviation from that act. By the Act of Settlement, only hereditary peers, or peers by creation, were to sit in parliament; and yet, upon the Union with Scotland, as well as that with Ireland, elective peers were allowed to be introduced. It is true that this was done, but still the principle of the law was adhered to, and neither Church nor State was in the slightest degree impaired by this partial deviation from the law itself. The hon. member for Yorkshire (Mr. Duncombe), made it a great objection to the Roman Catholic religion, that it admitted of no alteration, and observed, that it was now what it was known to be during all time. Now, when the hon. member said this, I think he would, had he looked around him, have found, from the declarations made at the time of Mr. Pitt, that the vicious doctrines attributed to that Church were disowned by the Roman Catholics of that day, and by those who assumed to be their leaders. When the hon. member said that that religion was always the same, did he mean to assert that the religion which prevailed during the reign of the haughty Louis XIV, when he repealed the edict of Nantz, and sent his bayonets amongst his Protestant subjects, was the same with the religion now established in France, under the mild and beneficent reign of Charles X. The religion is the same, but the times and the people have changed. The lights which have pervaded the whole world have shed their influence upon the Catholic religion, and have made it different from what it formerly was. There was one expression contained in the temperate, able, and eloquent, speech delivered on Friday, by my right hon. friend near me (Mr. Peel), in which I fully concur. My right hon. friend thought it better that a barrier should exist between Catholics and corporate offices, rather than that they should be rendered eligible without being elected. I admit that if such were to be the case, it would be a galling hardship; but, Sir, I think, that if the legislature were once to decide that there was to be no religious difference as to eligibility to such offices, men of talent and character would not be repulsed on the ground of their being Roman Catholics. Roman Catholics are not now opposed when claiming admission to the other offices which are open to them; and if this be the case, how does the argument apply to this House or to the House of Peers? I always thought it one of the proudest boasts of an Englishman, that every office of the State was open to him, no matter how humble his origin. It is not for me to undervalue this great privilege, filling as I do, however unworthily, a principal office in the State; but with what face could I turn to a Roman Catholic and say, "no matter what may be your talent—no matter what may be your qualifications for office, you are a Catholic, and cannot be admitted?" And if I were to say this, and were to be asked the reason why, the explanation must be of a most degrading nature, as I must say, "because you are not considered worthy of trust—because we cannot believe you upon your oath." And yet you call such a person to serve in your army, you call him to serve on juries, you call him to every duty which is dangerous or laborious, but all places of benefit are to be denied to him. And why? Because you say he does not possess moral honesty, and cannot be trusted in a country where he has the same interest as yourselves, and to which he is bound by the same ties of kindred and affection. The public opinion in favour of the removal of Catholic disabilities has made great progress in this country of late years, and that progress is still going on. We ought not, however, to forget, that while good is thus speeding, the progress of evil is not less rapid in Ireland. In this race of contending principles the evil will overcome the good, unless its retardation shall be effected by those measures which are now recommended to the government for the tranquillization of Ireland. When I hear it suggested, that if it shall become necessary, tranquillity may be restored to Ireland by force, I beseech the House to recollect, that if the government should ever be engaged in a struggle with Ireland, it would not merely be a contest with the people of that country, but also with the common feeling and the opinions of the educated and better part of the population of this country. Under such circumstances, and where so many high authorities concur in the views which I take of this subject, and who doubt the wisdom, to say the least of it, of the restrictions which now exist—it would surely be following the path of prudence, if those who are opposed to that view should distrust the conclusions they have come to. They will display the best feeling, and act with the most unquestionable justice and prudence, by yielding at a good time and with a good grace, and by granting now that which they will not be able much longer to withhold. My learned friend, the Attorney-general, has said that it would be useless to go into a committee now, because the House has gone into committees before, without being able to find any satisfactory securities; but I beg to differ from this statement. It might be true that we cannot find such securities as will satisfy my learned friend, because, perhaps, none can be devised with which he would be satisfied; but, as far as the sense of the House is concerned, those securities have been found. The bill of 1813 grew out of a motion exactly the same as that now before the House, and in that bill securities were proposed, although they were, unfortunately, not carried into effect. If, therefore, my learned friend thinks securities necessary, it is clearly not impossible that they may be had. My learned friend has recommended the Journals of the House to the perusal of the younger members. I do not join in that recommendation, but I advise my learned friend to read the two volumes on the table. He will there find that the motion of 1822 was not for a committee, but for leave to bring in a bill. I am, however, inclined to prefer a committee, because, in such committee, any proposition that may be made can be more conveniently considered. I am convinced that the longer the remedy proposed shall be delayed, the greater will be the growth of the mischief to which it is intended to be applied. I should be sorry to see a recurrence of events, such as took place during the last war. We have already made many concessions, and some of them too much in the presence of a foreign power, and having too much the appearance of a parley with an armed population. Let us make this, the most important of all our concessions, an act of grace as it is an act of justice. It will be better to give willingly and while we can, that which may one day be extorted.

Mr. *Brougham* assured the House, that it was with unfeigned satisfaction he expressed his intention of detaining them only a few minutes on this very important subject [cheers]; and he took leave to say, that the House could not receive this declaration with greater satisfaction than he, on his part, made it. He should not have thought it becoming in him to intrude at that period of the debate, after the speeches which had been delivered,—

particularly after the speeches which had been delivered by those who thought with him on this subject,—most of all, after the speech which the House had heard last,—but for the peculiar situation in which he stood. The House would recollect that to him and to his friend, the hon. baronet, had been intrusted the two petitions which gave rise to the present debate. He regretted as much as the House could do that he was compelled to trouble them with even a single sentence upon a question which had been over and over again discussed—a question upon which so much of learning, talent, and ingenuity, had been exhausted, but not exhausted in vain,—for the efforts which had been made in that House and out of it had led, and were leading, gradually but surely, and therefore wholesomely and safely, to that consummation which he felt assured, had arrived. On what was that confidence founded? Not on authorities only: although those authorities continued in an uninterrupted stream, from those who lived in former days to the hour in which he was speaking,—although all the greatest statesmen of this country, how different soever their opinions on every other subject relating to the Church and State,—however contrary to the interests which, upon other occasions, they advocated, had, scarcely with one exception (he spoke in the presence of that one) delivered their opinions on that side of the question which he (Mr. Brougham), supported. The question rested, however, not upon authority, but upon reason and evidence. He was not going to re-argue the question; still less did he intend to debate the Treaty of Limerick, the very name of which was at no premium in that House: although he was far from abandoning it, for, in the construction of all treaties made between a stronger and a weaker party, the ambiguities should be interpreted in favour of the weaker party. But he passed it over because it was superfluous, and because the main question might be well discussed without it. He would say nothing more than that if it had never been made, the motion had still the strongest claims upon the justice of the House. Nor would he say more about what took place at the time of the Union, between Mr. Pitt and lord Cornwallis; and he forebore, not because he was not convinced that the faith of this country was pledged through its agents, and that they obtained, by means of that pledge, the consent, without which that Union could not have been completed,—we having reaped all the advantages of the mistake into which Ireland was then led—we having had all the benefits, not as great as, if we had been wiser, we might have derived, but as much as we propounded to ourselves—it did not lie in our mouths to refuse to comply with the strict letter of the engagement then entered into, the promise then made on our behalf. He passed that over too, only adding it to the scale of authority, and remarking, that it was a striking practical authority, resting as it did upon the wisdom of those men who acted with a direct knowledge of what was due to Ireland and its Catholic population, and of what the wants of the empire required. He would therefore call it not a pledge, but an authority, and one which must be binding, unless it could be shown that circumstances had so changed, that what was then necessary, instead of being so now was a measure to be deprecated; but, if it was necessary then, it was ten thousand times more necessary now, from the changes which five-and-twenty eventful years had produced.—Those who opposed emancipation asserted that there was no danger, and therefore argued by no very illogical process of reasoning—why ruffle untroubled waters? Why administer medicine where there exists no disease? But, instead of such assumptions, he would affirm that there was danger, great danger; and, if this was the fact, it would remain for the opposite side to show whether the remedy proposed, or the anticipated danger, were the worse alternative. He should wish to see the arguments of his learned friend, and those of the gallant admiral who supported him, tried by such a test. For his own part, he did not profess to adduce a single suggestion which had novelty to recommend it, after the eloquence which had already been expended on the subject during the last two nights,—after the brilliant debates of twenty years during which the question had been agitated. The Attorney-general talked of the dangers to be apprehended from popery,—from a perpetual communication between the pontiff and this country; and had appealed to him more than once, as if he (Mr. Brougham) had preceded him in the course of the debate. In reference to what was said as to the pope being a slave to illiberal prejudices, he was very willing to admit that he had acted illiberally in attacking very valuable and useful members of the community,—the society instituted for the purpose of distributing Bibles without note or comment. It was said, that the pope did not advance with the enlightened progress of the age. The argument of the learned gentleman was however *felo de se*, if he might be permitted the expression. Pope Leo 12th, who had addressed a bull to the Catholics of Ireland against the Bible Society, in 1822, had professed opinions soon after directly contrary to those imputed to the head of the Catholic Church by the learned member. Two years subsequent to that period, he had issued a bull to one of the German states, on the appointment of the bishops. It was not a little remarkable, that the preamble to this bull set forth :—" Whereas, it is necessary to keep pace with the improvement of the age, and expedient to modify our measures according to the exigency of the times," &c.—That state was Hanover. Before leaving this subject, he could not forbear to observe, that the proclamation of his gracious majesty to his people of Hanover, reflected infinite credit on the liberality of his principles. He admitted his Hanoverian subjects to all civil offices, without distinction of sect, creed, or opinion [cheers]. The hon. and gallant admiral (the member for Wexford) was pleased to ask, " Are there no Protestants in Ireland?—have they no interest there?" In reply to this, he answered, that if the two interests were placed in the balance with reference to this question, the interest of the Protestants would be found incomparably greater. They were a small number surrounded by a great number holding an opposite religion. The legislature rendered that religion opposite and hostile, in spirit and feeling, by their disqualifying statutes. In other countries, the members of this religion were neighbourly and amicable to those of the Protestant faith, in consequence of the salutary influence of equal toleration. Could things remain as they were now? He had listened attentively to hear if any hon. member would take upon him to answer in the affirmative. The Attorney-general had not said so. The right hon. the Home Secretary, in his able and temperate speech—a speech satisfactory in all things but one—had not so asserted. He found not a word contemplating a continuance of the present order of affairs, from which the hon. member for Ripon derived comfort—he alarm! His learned friend, the Solicitor-general for Ireland, whose speech had been rivalled but not eclipsed by the eloquence of that night, had put the question fairly.—Let the question be set at rest—let us come at once to the practical subject, without going back a quarter of a century, instead of discussing the question of present expediency. An hon. member had put the supposition of a jury's decision being taken upon this subject. Humouring this idea, he would confidently say, that if any twelve members in that House were called upon to give their opinion as to whether this system could continue, they would come to but one conclusion. The public see the great progress which this question has made in parliament, and the much greater out of doors. In Ireland, it was no longer to be considered by its former designation. It had become essentially a Protestant question. It involved the peace of the country, and affected the property of the people. There were but three courses out of which they must make their selection. One was, to go back, to repeal the acts of 1778, and 1793, to take away the elective franchise and re-enact all the rigours which they had formerly inflicted. This would make the penal code perfect, and consistent; but it was too abominable and detestable an alternative to be entertained for a moment. The choice then was, whether we were to go forward or to continue as we were. Could any one say, he would repeat, that affairs could long continue as they were at present? With respect to the securities—the first great security was the concession of the Catholic bill. If after that, other securities were deemed necessary, he would cheerfully go into a discussion on the subject. Honourable members had said, " we will not be intimidated into any act, as a part of the legislature of the country." He could certainly understand that people might be ashamed of suffering such a feeling to influence their conduct, if they were acting for their own interests, and for the purpose of gaining any paltry personal end: but they ought to remember that they were trustees; that they were guardians. When he said, that he was alarmed for the state of Ireland, he did not mean to convey the notion that he shrunk with fear in his own person. This was the meanest of all motives that could influence human actions. He dreaded rushing by proxy into danger. It was, in his opinion, matter to be rejoiced at that they had come to the present discussion in a much more temperate frame of mind than on any former occasion. He was overpowered with the reflection of what mighty and momentous concerns were at that instant trembling in the balance. Not merely an abstract principle of justice was dependent on the issue of their counsels, but, perhaps, the destiny of peace or war—perhaps the possession of a part of the empire. He felt anxious for the hopes of millions who were their neighbours and fellow-subjects, now poised in the scale against the frivolous, though conscientious, scruples of a few. Before another hour was told upon the clock, the decision must go forth, which will strike dismay into the hearts of a people, or cheer them with the prospect of a glorious disenthralment.

The House then divided: For the Motion 272; Against it 266; Majority in favour of sir Francis Burdett's Motion 6. The House then went into the Committee, Mr. Spring Rice in the Chair, in which it was agreed, upon the motion of sir Francis Burdett, "That it is the opinion of this Committee, that it is expedient to consider the State of the Laws affecting his Majesty's Roman Catholic Subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his Majesty's Subjects." The House being resumed, the Resolution was reported.—Adjourned at half-past three o'clock on Tuesday morning.

List of the Majority, and also of the Minority.

MAJORITY.

Abercrombie, rt. hn. J.
Acland, sir T. D.
Anson, sir G.
Anson, hon. G.
Arbuthnot, rt. hon. C.
Althorpe, visc.
Bernard, T.
Baillie, J.
Balfour, J.
Baring, A.
Baring, W. B.
Baring, F.
Bective, earl of
Belgrave, visc.
Benett, John
Bentinck, lord G.
Bingham, lord
Birch, J.
Boyle, hon. J.
Bourne, rt. hon. S.
Bouverie, hon. D. P.
Brecknock, earl of
Brougham, H.
Brougham, J.
Browne, J.
Brownlow, C.
Bruce, earl of
Bruen, col.
Buller, C.
Burdett, sir F.
Buxton, T. F.
Byng, G.
Canning, S.
Calcraft, John
Calthorpe, hon. F.
Calthorpe, hon. A.
Calvert, N.
Calvert, C.
Campbell, W.
Carew, R.
Carrington, sir E.
Carter, John
Castlereagh, visc.
Caulfield, hon. H.
Cavendish, H.
Cavendish, C.
Chichester, A.
Cholmeley, M.
Clarke, hon. C. B.
Clerk, sir G.
Clements, lord
Clifton, lord
Clive, E.
Colborne, N.
Cockburn, sir G.
Cocks, J.
Coke, T. W.
Colthurst, sir N.
Coote, sir C.
Courtenay, T. P.
Cradock, S.
Croker, J. W.
Daly, J.
Davenport, E.
Dawson, J. M.
Dawson, A.
Denison, W.
Denison, J. E.
Doherty, John
Douglas, W. R.
Drummond, H.
Du Cane, P.
Darlington, earl of
Duncombe, T.
Dundas, C.
Dundas, hon. T.
Dundas, hon. G.
Dundas, sir R.
Easthope, J.
Eastnor, visc.
Ebrington, visc.
Eliot, lord
Ellis, hon. G.
Ellis, hon. A.
Ennismore, visc.
Euston, earl of
Ellison, C.
Farquhar, sir R.
Fazakerley, J. N.
Fergusson, sir R.
Fergusson, R. C.
Fitzgerald, rt. hon. V.
Fitzgerald, John
Fitzgerald, rt. hon. M.
Fitzgerald, lord W.
Fitzgibbon, hon. R.
Fitzroy, lord C.
Forbes, lord
Forbes, John
Fortescue, hon. G.
Frankland, R.
Fremantle, rt. hon. W.
French, A.
Gordon, R.
Gower, lord F. L.
Graham, sir J.
Grant, right hon. C.
Grant, R.
Grattan, J.
Grattan, H.
Grosvenor, T.
Grosvenor, hon. R.
Guest, J.
Guise, sir W.
Hulse, sir C.
Hardinge, sir H.
Hay, sir John
Heathcote, sir G.
Heathcote, G. J.
Heathcote, R.
Heneage, G. F.
Heron, sir R.
Hobhouse, J. C.
Honywood, W. P.
Horton, R. W.
Howard, H.
Howick, visc.
Hughes, W. L.
Hume, J.
Hurst, R.
Huskisson, rt. hon. W.
Hutchinson, J. H.
Ingilby, sir W.
Jephson, C.
Jermyn, Earl
Jolliffe, Hylton
Kavanagh, T.
Kennedy, T.
King, hon. R.
Knight, R.
Knox, hon. T.
Lamb, rt. hon. W.
Lamb, hon. G.
Labouchere, H.
Lambert, J.
Lascelles, hon. W.
Latouche, R.
Lawley, F.
Lennard, T. B.
Leycester, R.
Lester, B.
Lewis, T. F.
Liddell, hon. H.
Littleton, E.
Lloyd, sir E.
Lloyd, T.
Loch, J.
Lumley, J. S.

Maberly, John
Maberly, W. L.
Macauley, gen.
Macdonald, sir J.
Mackintosh, sir J.
Maitland, visc.
Maitland, hon. A.
Marjoribanks, S.
Marryat, J.
Marshall, W.
Marshall, J.
Martin, John
Maule, hon. W. R.
Maxwell, John
Milbank, Mark
Mildmay, P. St. John
Milton, visc.
Monck, J. B.
Morland, sir S. B.
Morpeth, visc.
Mountcharles, earl of
Newport, rt. hon. sir J.
Nugent, lord
North, John
O'Brien, W. S.
O'Brien, Lucius
O'Hara, J.
Ord, W.
Oxmantown, lord
Paget, lord W.
Palmer, C. F.
Palmerston, lord
Parnell, sir H.
Pendarves, E.
Philips, sir G.
Philips, G.
Phillimore, J.
Perceval, Spencer
Planta, J.
Ponsonby, hon. W.
Ponsonby, hon. G.
Ponsonby, hon. F.
Portman, E.
Power, R.
Powlett, hon. W. F.
Poyntz, W. S.
Prendergast, M.
Price, Robert
Pringle, S. W.
Prittie, hon. F.
Proby, hon. G.
Protheroe, E.
Rancliffe, lord
Rice, T. S.
Ridley, sir M. W.
Robarts, A.
Robinson, sir G.
Robinson, G.
Rowley, sir W.
Rumbold, C.
Russell, lord W.
Russell, lord John
Russell, R. G.
Russell, W.
Sandon, visc.
Scarlett, sir J.
Sebright, sir J.
Smith, hon. R.
Smith, G.
Smith, W.
Somerville, sir M.
Stanley, lord
Stanley, hon. E.
Stewart, J.
Stuart, lord J.
Stuart, H. V.
Sykes, D.
Talmash, hon. F.
Talbot, R. W.
Taylor, M. A.
Tennyson, C.
Thompson, P. B.
Thomson, C. P.
Tomes, John
Tufton, hon. Henry
Twiss, Horace
Tynte, C.
Tuite, Hugh
Valletort, lord
Van Homrigh, Peter
Vernon, G. G. V.
Villiers, T. H.
Waithman, R.
Wall, C. B.
Warburton, H.
Warrender, rt. h. sir G.
Westenra, hon. H.
Western, C. C.
White, S.
White, H.
Whitmore, W. W.
Wilbraham, G.
Wallace, T.
Wilson, sir R.
Wodehouse, E.
Wood, alderman
Wood, C.
Wood, John
Wortley, hon. John
Wrottesley, sir John
Wynn, sir W.
Wynn, right hon. C.
Williams, sir R.

TELLERS.

Duncannon, visc.
Normanby, visc.

PAIRED OFF.

Whitbread, S.
Boyd, Walter
Howard, hon. G.
Mostyn, sir T.
Gurney, Hudson
Tierney, right hon. G.
Lindsay, hon. Hugh
Wyvill, M.
East, sir E.
Smith, J.
Cholmondeley, lord H.
Whitbread, W.
Tavistock, marq.
Osborne, lord F.
Sefton, earl of
Ramsbottom, John
Sinclair, hon. capt.
Barclay, D.
Arcedeckne, A.
Lushington, S.
Hill, lord A.
Phipps, hon. gen.
Innes, sir H.
Mackenzie, sir J.
Mackinnon, C.
Forbes, sir C.
Lombe, E.

MINORITY.

A'Court, E. H.
Alcock, T.
Alexander, H.
Antrobus, G. C.
Apsley, lord
Arbuthnot, hon. col.
Archdall, M.
Ashurst, W.
Ashburton, hon. P.
Ashley, lord
Astell, W.
Astley, sir J. D.
Attwood, M.
Arkwright, R.
Baker, E.
Bankes, H.
Bankes, G.
Barclay, C.
Barne, M.
Bastard, E. P.
Batley, C.
Beckett, sir John
Belfast, earl of
Bell, M.
Benson, R.
Beresford, sir John
Beresford, major
Blackburne, John
Blandford, marquis of
Bonham, H.
Borradaile, R.
Bradshaw, J.
Bright, H.
Brudenell, lord
Brydges, sir John
Buck, L.
Burrell, sir C.
Buxton, J.
Byron, T.
Calvert, John
Capel, J.
Cartwright, W.
Cawthorne, J.
Cecil, lord T.
Chandos, lord
Chaplin, C.
Chaplin, T.
Clinton, sir W.
Clinton, J. F.
Clive, lord
Clive, H.
Cotterell, sir J.
Collett, E. John
Cooke, sir Henry
Cooper, Edward S.
Cooper, R. B.
Cooper, John
Cooper, hon. W. A.
Corbett, P.
Corry, lord
Corry, hon. H.
Cripps, J.
Cuffe, col.
Curteis, E.
Curzon, hon. R.
Cust, hon. P.
Cust, hon. E.
Cole, hon. A.
Chichester, sir A.
Cockerell, sir C.
Dalrymple, A.
Davenport, D.
Davidson, D.
Davis, R.
Dawkins, H.
Dick, Hugh
Dick, Quintin
Dickinson, W.
Dottin, A.
Dowdeswell, J.
Downes, lord
Drake, W. T.
Divet, T.
Dugdale, D.
Duncombe, hon. W.
Dundas, hon. H.
Dundas, R.
Eden, hon. R.
Egerton, W.
Elphinstone, col.
Estcourt, T.
Evans, adm.
Fane, hon. H.
Fane, John
Fane, col.
Farquhar, J.
Fetherston, sir G.
Fleming, J.
Foley, E. T.
Foley, J. H.
Forester, hon. G.
Fyler, T.
Gascoyne, gen.
Gooch, sir T.
Gordon, J.
Goulburn, rt. hon. H.
Graham, marq.
Greene, T.
Greville, hon. sir C.
Gye, F.
Halse, J.
Hancock, R.
Hart, gen.
Harvey, sir E.
Hastings, sir C.
Heathcote, sir W.
Herries, J. C.
Hill, sir G.
Hill, sir R.
Hodgson, F.

Hodson, J.
Holmes, W.
Hope, sir W.
Hotham, lord
Houldsworth, T.
Inglis, sir R.
Irving, J.
Jenkinson, hon. C.
Jones, J.
Keck, G. A. L.
Kekewich, S.
Kemp, T. R.
Kerrison, sir E.
King, hon. H.
King, sir J. D.
Knatchbull, sir E.
Langston, J.
Lascelles, hon. H.
Legge, hon. A.
Lennox, lord G.
Lethbridge, sir T.
Lewis, W.
Lindsay, J.
Lockhart, J. I.
Lott, H.
Lowther, lord
Lowther, hon. H.
Lowther, sir John
Lowther, John
Lushington, col.
Luttrell, John F.
Lygon, hon. col.
M'Leod, John R.
Macnaghten, Edm.
Macqueen, T.
Maitland, E. F.
Malcolm, N.
Mandeville, lord
Manners, lord C.
Manners, lord R.
Maxwell, sir W.
Maxwell, H.
Meynell, H.
Moore, G.
Morgan, sir C.
Morgan, G.
Mundy, F.
Mundy, G.
Newborough, lord
Nightingal, sir M.
Northcote, H.
Norton, G.
O'Neil, hon. John
O'Neil, Augustus
Onslow, Arthur
Owen, sir John
Owen, sir E. W.
Palmer, R.
Pallmer, C. N.
Palk, sir L.
Peachy, general
Pearse, John
Peel, rt. hon. Robert
Peel, William
Peel, L.
Peel, J.
Pennant, G.
Philips, sir R.
Pitt, Joseph
Petit, Louis
Peach, N.
Pollen, sir John
Powell, col.
Powell, A.
Price, Richard
Pellew, hon. captain
Rae, rt. hon. sir W.
Raine, J.
Rickford, William
Roberts, W. A.
Rochfort, G.
Rogers, Edward
Rose, right hon. sir G.
Rose, G.
Ross, C.
Ryder, right hon. R.
St. Paul, sir Horace
Saunderson, A.
Stopford, lord
Scott, hon. W. H.
Scott, hon. W.
Scott, Samuel
Scott, Henry
Seymour Horace
Seymour, H.
Shelley, sir John
Shirley, John
Sibthorp, col.
Smith, C.
Smyth, sir G.
Somerset, lord G.
Somerset, lord F.
Somerset, lord E.
Spottiswoode, A.
Stephenson, R.
Strathaven, lord
Strutt, col.
Sugden, E.
Sotheron, adm.
Talmash, hon. L.
Talmash, hon. F.
Taylor, G. W.
Thompson, alderman
Thompson, L.
Thynne, lord W.
Thynne, lord J.
Tindal, sir N.
Tomline, W.
Trant, W.
Townshend, lord J.
Townshend, hon. J.
Trench, col.
Trevor, hon. G.
Tullamore, lord
Ure, M.
Uxbridge, earl of
Vaughan, sir R.
Vyvyan, sir R.
Vivian, sir H.
Walker, J.
Walpole, hon. J.
Ward, W.
Wells, J.
Wemyss, J.
West, F.
Wetherell, sir C.
Whitmore, T.
Wigram, W.
Williams, Rt.
Willoughby, H.
Wilson, R.
Wilson, col.
Worcester, marq.
Wyndham, W.
Win, O.
Yorke, sir J.

TELLERS.

Dawson, G.
Foster, J. L.

PAIRED OFF.

Montgomery, gen.
Bastard, capt.
Penruddock, J.
Grant, sir A.
Fellowes, W. H.
Martin, sir T. B.
Dundas, rt. hon. W.
Carmarthan, marq.
Smith, T. A.
Smith, S.
Bouverie, hon. B.
Owen, H.
Hope, sir A.
Pigott, col.
Webb, E.
Drake, T. F.
Duff, hon. gen.
Manning, W.
Brogden, J.
Burrell, W.
Nicholl, sir J.
Clive, hon. R.
Campbell, A.
Downie, R.
Grant, col.
Cole, sir C.
Walrond, B.

HOUSE OF COMMONS.

Tuesday, May 13.

ROMAN CATHOLIC CLAIMS.] On the motion of Sir F. Burdett, Mr. Spring Rice brought up the Report of the Committee of the whole House upon the Roman Catholic Claims. The resolution being read,

Sir *John Brydges* said, he felt deeply impressed with the importance of the subject, and he should feel it a great dereliction of duty if he were not to use every means in his power to oppose the progress of the measure. He believed that so far from what was called Catholic Emancipation being a subject of such deep interest with the Irish, if he were to travel through Ireland with emancipation in one hand, and a sovereign in the other, he should scarcely find a man that would not take the money in preference to the boasted panacea.

On the motion, that the resolution be read a second time,

Mr. Secretary *Peel* said, that the resolution was the same as had been passed on the preceding night, after three days' debate, and he did not mean to say that the subject had not been fully discussed. He rose merely for the purpose of tendering his formal dissent from the measure; and, with reference to the course to be pursued, he trusted the hon. baronet would, at least, give the House some time to consider this very important part of the question.

Sir *F. Burdett* said, he was not aware

what time was wanted by the right hon. gentleman, and, but for his request of delay, he should have followed up the vote of last night by the resolution he held in his hand, which merely went to say, that the resolution of the preceding evening should be communicated to the House of Lords, and a conference requested; or some words to that effect. He had no objection, however, to postpone the proceedings, if the right hon. gentleman would name some specific time.

After a short conversation, sir F. Burdett gave notice, that he would on Friday move, "That the Resolution agreed to by the House on the subject of the laws relating to Roman Catholics be communicated to the Lords at a Conference; and that their Lordships concurrence be desired thereto."

PROVISION FOR THE FAMILY OF MR. CANNING.] The House having resolved itself into a Committee on the Offices Pensions Bill,

The *Chancellor of the Exchecquer* said, he rose to discharge a public duty under the influence of feelings which were in some degree of a painful, and in some degree of a grateful, nature, — painful, inasmuch as the task he had undertaken to perform brought to his recollection the loss which the House had sustained by the death of one of its members most distinguished for his abilities and virtues,—painful, also, as regarded the interests of a family, who had a right to look to that right hon. gentleman, not only for honours and distinctions, but also for the means of future support;—grateful, however, inasmuch as it gave him an opportunity of recording the opinion which he entertained of the talent and ability of that right hon. gentleman, and as it made him the instrument of rendering to his family what he considered an act of justice on the part of that House. His object in rising was, to propose an alteration of the Offices Pensions act, with the view of affording a provision to the family of Mr. Canning. He did not recommend the measure to the House on the ground of precedent, nor did he mean to propose the resolution in order that it might become a precedent. He did not mean to say that in every case the fact of an individual having held an exalted situation, either in public office or in that House, should be a sufficient ground for the interference of parliament with the view of making a provision for his family. He rested the claim to such provision, in the present instance, on the peculiar circumstances of the case. He knew that there existed objections of a serious nature to what might be hereafter adopted as a precedent. But the vote which he meant to propose was founded on such peculiar circumstances, that it never could be followed as a precedent, unless under similar circumstances. It was known to almost every one present, that Mr. Canning entered into political life at an early period, and, like many others who had pursued the same course, with very moderate means. After having distinguished himself in the senate sufficiently to interest those in the ministry to desire the aid of his talents, he obtained offers in the year 1796. He need hardly state to those who were conversant with official situations, that the higher offices in the state were uniformly accompanied by an income so small, that it was impossible to make out of that moderate income any provision for a family. To speak much nearer the truth, those who accepted those situations were aware, that if they must live in a style of expense suitable to their station, they must draw on their private resources. Mr. Canning was, therefore, obliged, in endeavouring to maintain respectably the situation which he had obtained, to trench considerably on his own resources; and he had at an early period of his political life, encroached further than he would have been authorized in doing, had he not been upheld by anticipating very advantageous results from the profession which he had adopted. After several years' occupation in the public service, in 1822 Mr. Canning received the appointment of Governor-general of India, which high situation a person circumstanced as he was, would hardly be disposed to decline, both on account of the very honourable nature of the appointment itself, and the field which it opened to his family's advancement. That situation he accepted, principally for the latter reason. But, at this period of his history, an event occurred which opened to him a situation for which he seemed eminently calculated by his talents and deserved popularity. That event turned the general attention to Mr. Canning, as the most proper person to fill the chasm made in the ministry by the death of the noble lord at the head of foreign affairs. The proffer of the office was resolved on by the king, and it was immediately accepted by Mr. Canning. Without balancing between the important advantages which his appointment to the office of Governor-general was likely to afford to his family, and the public emergency, he, by this acceptance of the high office then vacant, without any stipulation for futurity, established a claim on the gratitude of the country, in the event of any such untoward event as that which had since occurred. So much so, that it was now considered highly proper to recommend to his majesty to grant to Mr. Canning's family one of those pensions, which, by law, he was entitled to grant, with the advice of parliament, to persons who were similarly situated, having held high situations under his government. It was to be recollected, that at this time Mr. Canning was at that period of life which promised him, in the ordinary course of things many years of health to enjoy his elevation; and there was no reason to anticipate that we should have been so soon deprived of his splendid talents. Had Mr. Canning lived and possessed the opportunity of thus remunerating himself for the sacrifices he had made in earlier life, this would not have been a case for the interference of parliament: but, in consideration of his promptitude in accepting the highly onerous and responsible situation of Foreign Secretary at this important conjuncture, and his never having had the opportunity of entitling himself to the usual pension by service, the committee would, no doubt, consider that there was a claim made out for his family.—It now remained for him to point out the mode in which this provision was to be made. If he were obliged to confine himself to precedents, he might choose to treat this appeal to the committee in the nature of an application to it to pay the debts of the lamented individual. There were two courses clear for the committee to adopt: he felt it his duty to decline that which would be attended with the greater aggravation of the public burthens, and should propose that the pension which that lamented individual would have been entitled to under the Pensions Act, had he filled the situation the full time required in order to entitle him to that pension,—namely, 3,000*l.* a year—should be settled on one of the branches of his family, and be vested in trustees for the uses of his family, to be by them applied in the manner most eligible. In this instance, he had departed, in some degree, from the objects intended to be embraced by the Pensions' bill. That bill had been adopted in consequence of its being proposed to resume all that class of sinecures which had been at the entire disposal of the Crown until the passing of this act; and it was judged only fair, that, in taking away from the Crown that power which it hitherto had, to reward those who had rendered it eminent services, this power should be still vested in the Crown by means less objectionable, namely by pensions under the sanction of the legislature. It was a clear case, that if that act had not been passed, a branch of this eminent statesman's family would have received one of those sinecures. It was, in fact, only granting to the son of that eminent servant of the public, through another form of proceeding, that which, there could be no doubt, he must have been under the former state of the law, eminently entitled to. This mode he had adopted in compliance with the system adopted by parliament, for the remuneration of services of this kind; and he proposed it as the one most likely to make good the dilapidated resources of the family. Having thus explained the reasons for his application, as well as the mode in which his object was to be accomplished, little more remained than to meet the possible objection, that he had not sufficiently dwelt on the merits, services, and distinguished talents of the late premier. The course he had adopted, he assured the committee, was not adopted through a servile adherence to precedent, but because he thought it was best adapted to the circumstances of the case. On those merits it would shortly become the province of history to decide. That Mr. Canning had eminently distinguished himself within those walls, and, as a great statesman, served his country, he thought no one would question for a moment; that he had made great and willing sacrifices for the good of his country, no one would deny; and he trusted the committee would coincide with him in thinking, that it was its duty to make a suitable provision for the family of this illustrious statesman in return. The right hon. gentleman concluded by moving, that the chairman be directed to move for leave to bring in a bill to enlarge and amend the

57th Geo. 3rd., entitled, "An Act to enable his Majesty to reward Public Servants holding, or having held, high public offices."

Lord *Althorp* confessed he felt surprise that, previously to bringing on such a motion, no allusion had been made to the financial state of the country. Without any such reference, they had been called on to make an advance of the public money to the family of a late high officer of state. Not that he thought the sum of 3,000*l.* a year so great an object in a monied point of view at another time; but it was to be borne in mind, that at present our farmers were in a state of great pressure and distress, and our manufacturers were complaining of being unable to get any profits on the articles of their manufacture. When every thing appeared to be verging towards general distress, he could not but consider the proposition as ill-advised, and almost an insult to the country. Was the House in a situation to be called on to impose fresh taxes on the people? Were not our finances so low, that it was difficult to keep up the service of the country? The question really was, which of them must, in our present state of embarrassment, be left inefficient. And on this subject, he must say, it was not so much arising out of the expenses incident to governing the country, as to the baneful influence of the pension system. The last Pension Act had completely crippled every thing. He would oppose this application, also, because it stood on no precedent. Indeed, the right hon. gentleman had not put it upon any legal claim, or even upon the justice of the application, but had flung the case on the generosity of the House. He had witnessed enough of this sort of generosity, and expected more from the ministry than that they would have sanctioned such an application at this moment. When that ministry had been formed, he certainly entertained no great hopes of it. But since then he had been encouraged to expect that it would have at least adopted economy as a principle of its government. Though the proposition of a pension to the family of Mr. Canning might have grown out of a compromise between him and some who were still in the ministry, that compromise was not to bind the House of Commons, nor were they thereby to be influenced in their determination on this question. Pursuing this reasoning, he should be disposed to oppose the grant, however transcendent the merit of the person for whom the presumed claim to public gratitude was set up; but it should be recollected, that the whole of the late Mr. Canning's life had not been uniformly the subject of eulogy. His opinions on our foreign relations, and on the abolition of the restrictions on commerce, had entitled him to respect certainly; but there were parts of his career, particularly in its earlier stage, which gave him little pleasure to reflect upon. Others might act as they thought proper upon this occasion. For himself, he felt, however painful the discharge of the duty must be, that he had stated sufficient grounds not only to justify him in withholding his assent to the proposition, but to induce others to concur with him in opposing the motion.

Mr. *Stratford Canning* said, that, however delicately he felt himself placed with respect to the discussion of the merits of a distinguished statesman, he could not, without a dereliction of duty, abstain from addressing a few words to the House. The noble lord had confessed, that if this grant had stood, not on the grounds of liberality and generosity, but on justice, he would even then have opposed it. The force of this objection went to the extent, that let the merit of the party be what it might, he would not sanction the application, because, forsooth, the country was in so impoverished a state, that the paltry debt of gratitude to that merit, amounting to no more than 3,000*l.* a year for only one life, could not be discharged by this great and powerful nation. Thus the noble lord would not only set aside generosity to save this trifle to the country, but justice. He did not envy the noble lord this sentiment, nor would the House participate in it. What sort of language was this, to be disseminated in foreign countries? But, if the question turned on the merits of Mr. Canning, it would be rather singular, considering that, during part of that period, he was associated in the government with the nearest relative of that noble lord. Those actions, however, which the noble lord blamed, had been sanctioned at the time by large majorities in the House; therefore it was unnecessary to say any thing further, than that Mr. Canning's memory and services stood now before the committee. With regard to the governorship of India, the committee were to decide whether he had not made a sacrifice of emolument and advantage to the public emergency. He was the more surprised at the source from whence this opposition arose, because he thought the noble lord had expressed his accession to the government of Mr. Canning [" No, no," from lord Althorp]. Certainly, a disposition to support Mr. Canning's government had been avowed. If, however, the noble lord was so dissatisfied with the former part of Mr. Canning's political conduct, he thought the latter was sufficiently meritorious to render the discharge of this debt an act of justice. In saying so, he felt not as a connexion of that great man, but as a member of the House of Commons, jealous of its honour, and of the faith and honour of the country.

Lord *Milton* said, that the difficulty he felt in delivering his sentiments on the subject was greatly increased by the course which had been pursued by his noble friend. He entirely agreed with his noble friend as to the financial difficulties in which the country was involved, though he could not go with him the length of supposing that those difficulties were of such a nature as to prevent the House from considering, even for a moment, the propriety of coming to such a vote as was now under their consideration. If he could bring his mind to that state, he would be saved all the trouble of further deliberation. But, great as he admitted the difficulties of the country to be, they were not so insurmountable as to put an absolute veto on the proposition of the chancellor of the Exchequer, supposing there existed fit grounds for making that proposition to the House. It was not his intention to enter into the history of the political life of Mr. Canning. He could not have sat so many years in the House of Commons, without having, upon many and upon most occasions, differed from him in opinion. It would, therefore, be easy for him to select grounds of opposition, which would justify him, were he to confine himself to particular acts, in voting against the motion; but, as there appeared, in the course of every man's life, a mixed character, he could not feel himself authorized, in judging of another, to decide upon his merits, without taking the whole of his conduct into consideration. Could the stoutest partisan of any political leader, get up and say of the political conduct of him whom he supported, that it was free from all reproach? [Hear, hear]. Could the stoutest opponent of any man say, on the contrary, that the whole of his conduct excluded him from all approbation? The two propositions were equally untenable. Whatever might be said of the different aspects under which Mr. Canning's public conduct might be viewed, the fairest way of looking at his character was by taking that period in which he acted for himself, and called on this country successfully to act with him in the support of liberal opinions. It was impossible to look back at the last six years of Mr. Canning's power, for place did not always confer power,—it was impossible to contemplate these last six years, when the government had called his vigorous mind into full action, without taking a high measure of the claims which he had established to public gratitude. He had held out a hand of encouragement and support to all the liberal governments in all parts of the world. The future historian, looking at these facts, could not fail to describe him as one to whose enlightened policy the whole world was largely indebted. Not England, not Europe, alone, but the whole population of the globe, in its most remote quarters, were acted on by the free and healthy spirit of his administration. Under these impressions, he should feel that he had acted upon ill-considered principles, if he were capable of raking up the political mistakes of Mr. Canning in the course of a long political life, and especially as that life was occupied in transactions of great difficulty; and when the best course to be pursued was not so clear at the moment, as those might think who lived after the events, and argued from what had since happened, what ought to have been done. Giving the proposition the fairest consideration, he thought that the House would reap more honour, in the opinion of posterity, from acceding to the vote which was proposed, than by opposing it.

Lord *Morpeth* said, that, as he was the person who had, at an early part of the session, given notice of his intention to bring forward a motion on this subject, he felt no doubt that the committee would exercise some degree of forbearance towards him, while he addressed a few observations to their notice. Indeed the speech of the right hon. gentleman, and still more the speech of his noble friend, made it impossible for him to refrain from uttering his sentiments upon the subject. On a former occasion he might have incurred the imputation of presumption, surrounded as he was by so many who had known Mr. Canning so much longer than himself; who had had better means of appreciating his talents; and who had better capacity for doing him honour. To clear himself from that imputation, it was his intention to have said, that, as no one had done what he thought necessary, he had been prepared to undertake the task; and, from the opening of the session, had determined on bringing the subject before the House, unless it was taken up by some more competent person. He was aware that, to give others an opportunity of doing this, it was necessary, in this new-modelled administration, that the subject should be left for a time at least unnoticed. He had acted upon that conviction, and, for two months, had remained silent; but then, thinking he had waited long enough, he had called the notice of ministers to the subject; and still, with a view of giving them an opportunity of coming forward, he had named a remote day for its discussion. He expected that he should be anticipated in his intention of making his proposition to the House. He found, in fact, that he had been anticipated; and yesterday he withdrew his notice. His feelings were satisfied, when he understood that the task he had proposed to himself was undertaken by one who would be more able to discharge it. He rejoiced that it had been transferred from his feeble and isolated efforts, to one of those whose authority and influence within those walls were necessarily greater than his own. On that point his feelings were satisfied, but they were not on all; and he must add, that, in his opinion, the proposition was hardly adequate to its avowed object—to acknowledge the merits of the dead, to meet the exigencies of the living, or to record the sympathy and gratitude of a great nation to a meritorious servant. He might be asked, how it was that with these opinions he could support the proposition, and why he did not introduce another? The reason was this. On a matter of this nature it was a point of importance to secure unanimity: any course was advisable, that would avoid unpleasant discussion, and steer clear of unnecessary irritation; and anybody who, like himself, wished the best success to the measure, ought to make up his mind to sacrifice much that his feelings would otherwise urge him to retain. He was glad to hear that there was no intention, on the part of the introducer of this measure, to place the claims or the merits of Mr. Canning on the same ground as those of any other person who might have plodded through office for a corresponding length of time; and he was also glad that the right hon. gentleman had not put the proposition on the ground of a provision for the peerage. It was safer not to do so. It was better, for the sake of the precedent, and for every other consideration. The present proposition was not the first of the sort, nor did it recommend the grant of a larger sum of money than had before been given to the family of a minister. The grant to pay Mr. Pitt's debts, and that to provide for the family of Mr. Perceval, were both greater in amount than that now proposed. He did not wish unduly to aggravate the burthens of the people; but he thought they would not so consider a tribute to one whose policy they had approved, and whose measures they had supported. He did not think it necessary to enter into a defence of Mr. Canning's policy, or to show that he had been absurdly called more brilliant than practical—an objection which seemed to resolve itself into this, that he could not be practical, merely because he was brilliant. Yet, his proposals on the Corn-laws had been recently characterised by one of his majesty's ministers, in a way which left no doubt of the sound practical knowledge of Mr. Canning, and of his facility in its application. His foreign policy was also the subject of just eulogium; and, though they might now hear with regret of the treacherous tyranny of a prince who had lately quitted these shores, they should recollect, that Mr. Canning's policy had prevented war when almost on the point of being declared, and when it had been clearly intimated that war was intended; and that if that policy had been strictly followed up, this country might not, perhaps, have to regret the treachery to which he had alluded. He had stated what had been before done in cases similar to the present. There were precedents of grants for public funerals, for public monuments, for the payment of debts, and for provision for the families of deceased statesmen. In the case of Mr. Canning, the monument to his name would be raised by subscription among his friends and admirers; and he trusted that when erected it would be a splendid monument of British art. The funeral of Mr. Canning had been private; he had no debts to be discharged; and the only way for the country to testify its approbation of his services, was by granting a provision for his family—a mode that would have been, could we have known of it, the most acceptable to the feelings of the dead. Could they hesitate about granting that provision, when they had acknowledged so often the merit and wisdom of his counsels, and when, even by their vote of last night, they had rendered a high tribute of applause to one of the great principles for which he long and strenuously contended, and in the triumph of which he would, if living, most sincerely have rejoiced? Of all the objections that might possibly be raised to this proposition, that of economy was the only one which he approached with any degree of respect, for, to his mind, the greater part of the duties of ministers and of parliaments was included in that single word economy. Now, he thought that that object of economy would be best obtained by voting such a proposition as this; for there was nothing that would stimulate the exertions of ministers, and secure his disinterested labour for the benefit of the people, more than to let them see that their families, to whose interests, under other circumstances, they would feel an exclusive devotion, would be provided for by the country, to whose advantage they sacrificed their time, their fortune, and their health. Such, at least, were the sacrifices which Mr. Canning had made, and such the grounds on which the claims of his family were rested. He was not one of those who would contend that the people were bound to minister to the extravagance, or to supply the profligate expenditure of their public servants. When such persons wasted their own fortunes through their own folly, they must take the consequences of their extravagance; but those who knew Mr. Canning knew, from his unostentatious habit, that that charge was not one which could truly be brought against him.—The right hon. gentleman had told them, what he believed was generally admitted, that the allowance for those who held the highest situations in the state was hardly sufficient; and, if that statement was true with regard to any of the public servants, it was peculiarly so with respect to Mr. Canning; who, during the last five years of his life, had held two offices which more than any other required the frequent and liberal exercise of hospitality—he meant the offices of leader of the House of Commons, and Secretary for Foreign Affairs. In the office of Foreign Secretary, his policy had succeeded in presenting to the world a spectacle, such as had never before been witnessed in this country; for, at his table were mixed together men from all countries, and the envoys from Mexico, Peru, and Brazil, sat side by side with the ambassadors from the ancient and powerful houses of Hapsburg, Bourbon and Braganza. He trusted they would all concur in voting for the proposition of the right hon. gentleman; but he would say of it, as Mr. Canning had said of a vote proposed and carried nearly unanimously after the death of Mr. Pitt—"I do not wish for your vote as an eleemosynary grant for posthumous necessities—not as a boon from your pity or compassion, but as a public debt due to a highly meritorious public servant." He repeated his hope that they would pass this vote as a fair and honourable, though not an adequate acknowledgment for the services of a statesman who, in the discharge of his public duty, had forgotten all considerations of private advantage.

Sir *R. Wilson* said, he would state, in a few words, the reasons which induced him not to give a silent vote upon the present motion. No one was more deeply impressed than he was with the duty which he owed to his constituents and to the country at large, to watch over the public expenditure; but, whilst he held that frugality was a duty, and economy a growing necessity, he likewise held that there was a generosity becoming the character of a great nation, and a remunerative liberality which was calculated to promote the best interests of the country. He was not one of those persons who thought that these remunerative rewards and distinctions should be applied only to those great men who were employed in the military and naval service of the country: but that they should be extended to those who, by their laudable exertions in the civil departments of the state, had promoted the public welfare. Did the late Mr. Canning stand in such a situation with regard to the public, or did he not? Had he established his claims to the remunerative rewards and distinctions of the state, or had he not? He agreed that there might be found in his conduct public transactions which might not secure for him the general suffrage of that House. He might lament over inequalities, which were inseparable from the character of man; but, on the other hand, when he recollected the great services which Mr. Canning had rendered to his country—when he recollected the regret and lamentation with which the intelligence of his decease was received, not only throughout the British empire, but throughout the world—when he recollected how South America had moaned his loss throughout all her rising states—when he recollected how the talent of France, to commemorate his fame, had combined her feelings with the general sympathy of the world—when he recollected all this, he had sufficient proof before him, that, from the policy of the late Mr. Canning had emanated great benefit to the cause of liberty, and indeed to the general civilization of the world. Under these circumstances, he felt himself imperatively called upon to give his vote in support of the motion.

Sir *M. W. Ridley* said, that nothing could be more painful to him than to oppose a motion, in which considerations of a personal nature were inevitably involved; but, painful as it might be, he would shortly state the reasons which led him to concur with the view of this motion, which had been taken by his noble friend, the member for Northamptonshire. The right hon. gentleman who followed his noble friend was mistaken in supposing that his noble friend's objection to the motion rested on the amount of the grant proposed. It rested on no such foundation. The amount of the grant was, he admitted, only 3,000*l.* a year; but, as the House was now inquiring, not merely how it could save 3,000*l.* a year, but how it could save 300*l.* a year he thought that the principle of granting 3,000*l*, a year, where nothing ought to be granted, was one to which the House ought not merely not to accede, but which it ought to consider as a sufficient ground for rejecting the present motion. He admitted that the present was not a fit time for discussing the wisdom of Mr. Canning's foreign policy; but, as the merit of that policy had been referred to as an argument to induce them to support the motion, he felt himself compelled to state, that he could not reconcile himself to support it on the grounds stated by the other side. He admired, like every man who had heard Mr. Canning, his brilliant eloquence; he had listened to his speeches on various occasions, with the most profound admiration; but he had yet to learn, that the eloquence and talent of a minister were sufficient grounds to justify parliament in making a provision for his family. He was likewise of opinion, that Mr. Canning's powers as an orator, great as they were, were frequently employed in dazzling rather than convincing the minds of his countrymen; and that they were sometimes employed in inculcating doctrines which were not becoming the minister of this free country. He therefore could not consent to allow that the eloquence of Mr. Canning, during the whole of his public career, and the policy which he pursued during the few last years of it, were sufficient grounds for appropriating 3,000*l.* a year out of the public purse to the benefit of his family. He could not resist the present opportunity of performing an act of justice to Mr. Canning, which, at a former period of his life, the influence of excited party feelings had compelled him to withhold from him. He alluded to his own vote on a motion which, some years ago was brought forward by the hon. member for the county of Durham, who had recently been summoned to the other House of parliament. He would now declare that, after giving to the subject the fullest consideration, he was extremely sorry that he had concurred in the vote of censure which was then moved against Mr. Canning. It was not, however by voting a pension to Mr. Canning's family, that he was to make reparation to Mr. Canning, for the injury which he had then done to his feelings and to his character. That would be a reparation which it would be as much beneath him to offer as it would be beneath the family of Mr. Canning to receive. In conclusion, he could not, consistently with his sense of duty, and his deliberate opinion as to the public conduct and policy of the late Mr. Canning, which he had for years opposed, give his vote in favour of the grant.

Lord *Clifton* said, he felt himself very unexpectedly called upon to make a few observations to the committee. He was one of those members who last year had endeavoured to express to the government, of which Mr. Canning was the head, the confidence which they were inclined to repose in its disposition to husband the resources of the country, and to secure the welfare of the state. Though it was with considerable diffidence that he ventured to differ on any subject from his noble friend, the member for Northamptonshire, he could not refrain from declaring, that he dissented entirely from the view which his noble friend had taken of this question.

Mr. *Hume* said, he was anxious to offer a few words to the committee on this motion, because he was afraid it was likely to be led away by the eloquent appeal which had been made to its passions, by the noble lord who had addressed them in support of this grant, and also by the right hon. relative of the departed statesman. He considered the present motion to be of great importance in a public point of view. If it were carried, they could never refuse to make a similar grant to the family of any gentleman in office which thought proper to apply for it. What had Mr. Canning done for the public, which entitled his family to so munificent a reward for his services? Had he, like the duke of Wellington, done any thing for his country which ought to make the House of Commons anxious to signalize his career, and to mark his decease? He was not aware of any such occurrence. If, then, their vote on this occasion could not rest upon such a basis, would hon. gentlemen consent that it should rest on the whole of Mr. Canning's conduct during the thirty-two years of his political career? He was sure they would not: for Mr. Canning had been the regular and unwearied advocate of all the measures which, during that time, they had denounced, as unconstitutional. Until Mr. Canning became premier, none of the gentlemen by whom he was surrounded, had been in the habit of approving the measures which obtained his uniform support; and he was certain that if this measure had been proposed five years ago, it would have been vehemently attacked by many of the gentlemen who were most strenuous in defending its propriety. He should like to know what Mr. Canning had done for his country during the last five years, which entitled him to such a tribute of their esteem and gratitude. If he did his duty as a minister, did he do any more? Was the mere performance of his duty sufficient to justify the chancellor of the Exchequer in calling upon the House to make a provision for Mr. Canning's family on the score that, when his majesty had appointed him to a lucrative situation in India, in which he might have amassed a fortune, he chose to stay at home for the benefit of his country? If Mr. Canning had one feeling stronger than another, it was the feeling of ambition; and could they believe that Mr. Canning had any difficulty in making his choice, when the government of so distant a dependency as India was in one scale, and the probability of being the first minister in the first empire of the world was in the other? Mr. Canning made his election between them: and if he suffered a pecuniary loss by the election which he made, surely that was no reason why the public should be called upon to make it good. But, said a noble lord, "Mr. Canning was a patriot." When, where, and how had Mr. Canning earned that title? When had he advocated the rights of the many against the few? When had he shown himself the friend of liberty and the enemy of oppression? He asked these questions, because he believed that the noble lord had been misled by his friendship to Mr. Canning. He trusted, however, that the committee, before it suffered itself to be misled, would consider for a few moments the manner in which it was now called upon to act. They were to reward one of Mr. Canning's sons with a pension of 3,000*l.* a-year, as a mark of the gratitude which they felt for the services of the father. He trusted, however, that they would be just before they were generous; and if they were, they would consider whether they were in a situation to make any grants of public money, for which an overwhelming necessity was not established. Would hon. gentlemen mention to him any act which Mr. Canning had done, as a minister, for which his emoluments as minister were not a sufficient reward? Was his family in want of assistance? The committee had been told that, as an act of compassion, the family of Mr. Canning did not wish for this grant. Was the country, then, in such a flourishing state, that we ought to force a large sum of money upon a reluctant family? Nobody would maintain so monstrous a proposition. The grounds which he had stated were sufficient to justify him in opposing this grant. He had, however, another reason. He considered it to be a dangerous doctrine to hold out to official men, that, if they neglected to provide for their families during their lifetime, the country would do it after their death; and, he was sorry to say that the doctrine, dangerous as it was, had too often been acted on in the course of the last twenty years. They had been told, that the conduct of Mr. Canning as a statesman had been so grateful to his majesty and to the country, that both were anxious to reward it, by making a provision for his family. Why, then, did not his majesty grant Mr. Canning's son a pension out of the civil list? Surely the House could not be aware that if ministers were so strongly inclined to remûnerate Mr. Canning's merits, there was an annual fund of 200,000*l.* out of which they could do it. There was the English pension list of 95,000*l.*, the Irish pension list of 70,000*l.*, and the Scotch pension list of 30,000*l.* Let Mr. Canning's family be placed upon one of those lists, and let not the country, which was already overburthened, be called upon to make provision for it. If his majesty has so great an opinion of Mr. Canning's merits, let him reward it out of the sources expressly provided for such purposes. For the reasons he had stated, he was determined, if he stood alone, to take the sense of the committee upon this grant.

Lord *George Bentinck* said, he had no intention to have taken any part in a debate which must naturally be so interesting to his feelings; but, after the sentiments to which the hon. member for Aberdeen had given utterance, and the expressions in which he had clothed those sentiments, he felt himself compelled to address the committee, lest he, as one of the connexions of the late Mr. Canning, should be supposed to concur in their justice. With respect to the objections which the hon. member had raised to this grant, either on account of the alleged demerits of his illustrious relative, or on the narrow grounds of that false economy to which the hon. member was so partial, he would only make one observation, and that was, that he was quite sure the hon. member would not carry the committee along with him. The hon. member had found fault with the friends of Mr. Canning for the grounds on which this demand had been brought before parliament. He would tell the hon. member for Aberdeen, that if there were no other grounds for the remuneration now proposed, his right hon. relative had laid sufficient grounds for it in having always been the foremost in opposing the hon. member's theoretical reforms, and his petty, paltry projects of economy. It was one of Mr. Canning's proudest merits that he had made the hon. member for Aberdeen, and the party which went with him, shrink into his present miserable dimensions. The country must be sunk low indeed, if it could not afford to pay its meritorious servants. It had frequently rewarded its ministers of State and its military officers, who had distinguished themselves by their public services. It had rewarded the duke of Wellington very largely. It had voted to his grace at different times 700,000*l.* of the public money; and, was there a single man in the House who grudged the duke a farthing of it? The country must be sunk low indeed, if it could hold out no higher reward to its meritorious ministers than that which they received in the annual stipends attached to their respective offices. He was sorry to hear his noble friend (lord Althorp) assert, that it would be an insult to the feelings of the country to accede to this grant. He did not conceive that any person who had witnessed the sorrow which pervaded the land not more than six months since, would think that there was any disinclination in the country to show respect to the memory of the late Mr. Canning. He little thought last night, when that measure, for the success of which Mr. Canning so long laboured was once more carried, that we should this night be called upon to deny him a reward for his meritorious services. But so it was; and they had that day listened to a cold-blooded repetition of the various invectives which party rage had fabricated against him. For his own part, if he could quarrel with the vote of that evening, it would be on account of the coldness with which it had been brought forward. He would say, on behalf of the family of Mr. Canning, "We scorn to accept this vote as a vote of pity and compassion. We claim it on the broad ground of service rendered to the country, and on that ground alone we consent to receive it." After the turn which the debate had unexpectedly taken, he should have left the House with pain, had it not been for the speech of his noble friend near him, and also for the manly speech of the gallant officer. He thanked them both for the manner in which they had supported the resolution.

Mr. *Bankes* said, that in the line of argument which he was going to pursue, it was his intention to speak of the late Mr.

Canning with that respect which his great talents in public, and his pleasant manners in private society, entitled him to receive from all who knew him. In the course of his life he had had much intercourse with Mr. Canning; no dissention ever took place between them; and all his recollections of that great man were recollections of satisfaction, except on one particular question. He was now, however, very unexpectedly called upon to consent to a grant of public money to the family of Mr. Canning. It was said, that such a grant was not conformable to precedent, and it was promised that it should not be made one for future imitation. He wondered how any persons could suppose, that if the grant was once made, future ministers would not endeavour to put the merits of future statesmen on a level with those of Mr. Canning, and to propose similar remuneration for their families. He had expected that some alteration would have been made in the bill in the hands of the chairman during the session; but then he expected that it would be an alteration which would retrench and not augment the expenditure which took place under it. That bill, though it went under the name of his bill, he disclaimed; for, owing to the alterations which had been made in it, it had led to much greater extravagance than that which it was intended to check. In consequence of the recommendation of the finance committee, the House might have to reduce considerably, before the close of the session, the compensations, remunerations, and annuities granted to the families of those who had exerted themselves, and perhaps died in the public service. But how could they ever look in the faces of the persons whose small pittances they were going to make still smaller, if they now threw away in one sum, 60,000*l.* on a lady who moved in their own rank of life? How could they reduce the pensions of clerks with 300*l.* a year, when they gave at once 3,000*l.* a year to the son of Mr. Canning? Much better would it be for ministers to look at the ordinary expenses of the country, with a view to their reduction, than to propose throwing it away in this manner. He was perfectly ready to admit, that the means of the country were not so reduced as to be inadequate to the remuneration of eminent services to the state; but in this class he certainly could not, in this sense at least, comprehend Mr. Canning. Allusion had been made to the services of the duke of Wellington. He meant not to disparage the late Mr. Canning when he said, that surely there was no comparison between the merits to which he could lay claim, and those of such a person as the duke of Wellington. With all his admiration for Mr. Canning's talents and eloquence, he must be permitted to declare, that for this country he had proved a most unfortunate minister. This very day on which they were called upon to discuss his claims for having conferred eminent public services on his country, they had received intelligence which must lie heavily upon Mr. Canning's memory as a minister. They now knew for a certain fact, of the total failure of his interference in the internal affairs of Portugal; and who knew whether they were not, at that very moment, on the eve of a war with the Porte, from interference springing out of the same mischievous policy? It was Mr. Canning's policy which had brought about these evils [Cries of hear, and murmurs]. It was that which had entailed upon his country failures of the most disastrous kind [Cry of hear, and no]. He was most ready to admit that Mr. Canning meant well and anxiously for the good of his country; but he repeated, that he had been sadly mistaken in the policy to which he had resorted. Much had been said of the sacrifices which were made when men chose public life for their employment. Upon this subject his opinion had always been, that men who embarked in the public service made the selection at their own option, and had no right to turn round and expect, in the ordinary course of things, this kind of indemnification. It was no argument with him to state, that had Mr. Canning pursued the profession of the law, he must have risen to the highest station and honours of that profession. Such would, in all probability, have been the case; still it furnished no reason for adopting the principle of these grants out of the public money. Too many compensations had been already given to men who were, probably, taken from a single brief. He had no notion of planting such people upon the public purse. He must condemn all precedents of this kind. They were very injurious in their tendency, and had led the House often to deplore the adoption of this principle of generous but wasteful extravagance.—The right hon. gentleman had said, that he wished, by the present proposition, to amend the Pension Act. Yes; but the principle of his amendment went to make it ten times more extravagant. He had said, that Mr. Canning had additional claims, because of his having surrendered a high and rich office in India. True; but when he made that surrender, as it was called, he did it at his own option, and at the same time he obtained as a substitute an office of higher honour at home, and a contingent pension. They ought, besides to recollect, that Mr. Canning in this transaction had surrendered no emoluments: for, not having gone out to India, he had received none. In every view which he could take of the present proposition, he must oppose it. It was an evasion of the economical principle, and a waste of the public money. Governments always required watching in pecuniary matters. It was but recently that the finance committee had discovered a device by which ministers were enabled to evade the principle of the half-pay annuity fund, and, instead of pursuing a plan which would go to its eventual extermination, they had managed to substitute young lives for others which were old and nearly worn out; thus putting a new class of persons in a better condition than their predecessors. It had been said, that Mr. Canning would, in the probable course of nature, have lived longer, had it not been for the cares and fatigues of office; and that it was reasonable to indemnify his family for pecuniary loss on that account, considering the contingent pension which he must have enjoyed had he lived. This was quite a fallacy. Upon the merits of Mr. Canning as a minister, he had already spoken; let the House only look at what his measures had cost the country? Would any man deny that Mr. Canning had incurred great expense to the country, in his endeavour to realize those schemes which he had projected for re-modelling the policy of Spain, Portugal, and America? Did the House know, that besides the expense of sending out the armament itself to Portugal, not less than 160,000*l.* had been expended upon the extraordinaries attendant on those movements? True, they were to have a claim for this part of the amount upon the Portuguese treasury; but, if the chancellor of the Exchequer were to call upon Don Miguel to liquidate this debt, what chance was there of a farthing of the sum finding its way into our coffers. Then, again, look at his measures with regard to Turkey. He certainly could not fairly put to Mr. Canning's account the loss of lives of those brave men who were sacrificed in the disastrous battle of Navarino; but, with the general expense of the expedition, he was certainly chargeable, including the damage done to our fleet [Murmurs]. There was one other thing in the way of expense with which Mr. Canning was more personally chargeable. Within the short space of two years he had expended 42,000*l.* of the public money solely upon his private and personal residence [Cries of "Oh! oh!"]. He reiterated, that it was true [A cry of "where?"]. In Downing-Street, at the Foreign-office. Had he not converted it into his domestic dwelling for his own personal accommodation? He did not mean to say that his successor in office had not the benefit of these improvements; but still the expense was unjustifiable. A foreign minister ought not to fit up a house for his own convenience out of the public money; and, for this purpose, he repeated, Mr. Canning had expended 42,000*l.* This was a pure job for Mr. Canning's mere private accommodation. With regard to the pensions, which had been cited as precedents, and particularly that of lord Chatham, he really did not think that the name of that great man and that of Mr. Canning could be, for a moment, put in comparison. Both of them were eminent men, and admirable in respect to their eloquence; but, contrasted as statesmen, their names ought not to be mentioned in the same breath. As to the case of Mr. Perceval, considering that he was cut off in an extraordinary manner, that did appear, under all the circumstances, to be a case partly of justice and partly of generosity. Mr. Perceval, too, it should be remembered, had been prime minister of the country for several years, and, while he had been in that situation, he had conducted the public affairs successfully and most honourably. With regard to this case, he wished it had never been brought before him, since it was impossible he could concur in it.

Mr. Secretary *Huskisson* said, that, having been alluded to by the hon. member for Montrose as one of the nearest and dearest friends of the late Mr. Canning, and having been connected with him by the ties of personal attachment throughout rather a long political life, he felt perfectly sensible, before he came down to the

House, that, were he to appear prominent in this debate, he should be liable to the reflection of being actuated by that bias which this connexion would naturally suggest. He had, therefore, felt anxious not to say one word upon the subject before the House. But, after the speech of his hon. friend who had spoken last, and spoken in such a manner of his lamented friend—[here Mr. Huskisson laboured under strong emotion, and was loudly cheered during a momentary pause]—he could not sit silent; and with all these disadvantages pressing around him, he could not refrain from giving vent to the feelings which agitated his bosom. His hon. friend had laid great stress upon what he was pleased to call this mischievous precedent, and had asked the chancellor of the Exchequer, whether he wished to establish such an example as this grant would afford. Now, his right hon. friend meant on this occasion to establish no precedent, and he must say, that he looked with some surprise at the attempt which was made to dwell upon this proposition as one which constituted a serious precedent. What was the fact? Because the parliament had, on a former occasion, taken away from the Crown certain offices, having little duties, or being sinecures, no longer deemed desirable to be upheld, but which had been previously bestowed as a reward for eminent services, and vested this act of the legislature in the Crown by way of indemnity, they were to be told that they were creating a new office, and proposing an extravagant waste of the public money. He remembered that, when the new arrangement was made, by which the Crown surrendered its prerogative of rewarding by offices of this description, it was asked would they limit the Crown by the new act, and shut it out from the means of rewarding able and faithful services? To this it was at the time answered—he forgot whether it was by his hon. friend himself—that, whenever a special case arose, it could only be necessary to make application to parliament, where a desire would always be found to do justice to eminent services performed for the state. In this spirit, on this occasion, they had come to parliament; and how were they met? not by a fulfilment of the former pledge; but by an exclamation—"You are going to create a most dangerous precedent." The answer is, they were not going to create any such evil, but were merely calling upon parliament to fulfil its own expressed anticipation of the claims for the performance of meritorious services to the state. The Crown had, upon conditions, surrendered that which it need not have otherwise conceded, and it was hard to say, when they now came forward in the full spirit of the contract, that they were attempting to introduce a most dangerous precedent. What had the dead weight act to do with this discussion, seeing that the real object was, to give efficacy to an act which was entirely within the spirit of his hon. friend's own principle of economy? The arrangement which pervaded the act given to the Crown, when the sinecure offices were abolished, was simply this:—The Crown was empowered to grant six pensions, not exceeding in the aggregate 40,000*l.* a-year, to ministers who had performed eminent public services, according to their different stations and degrees. If the Crown were in course of paying the whole of this sum (which was not the case), the public would have no right to complain, according to the strict terms of the agreement; for it was a compensation given by parliament, in exchange for the surrender of a much larger and more valuable amount of patronage. The only limits were six offices, and 40,000*l.* What was the present proposition? To grant one of these for life to the son of Mr. Canning, in consideration of those services for which his father could, unfortunately, no longer receive reward in his own person. This entailed no increase upon the principle of the fund: it gave one claimant for another; it substituted one life for that which had been withdrawn. That act, be it remembered, was passed in times of infinitely greater pressure upon the finances of the country than could now be said to exist; it was passed likewise while a committee of finance was sitting, and with a careful and deliberate attention to public economy. His hon. friend had said, that Mr. Canning had optionally given up the lucrative situation in India, which had been conferred upon him, when his majesty called him to the high and honourable situation in his councils at home, and must therefore have considered what he had received as a full equivalent for that which he had surrendered—that, in fact, he had heartily exchanged the foreign service for the more glorious opening of his ambition at home. Now, upon the sense entertained by Mr. Canning upon what his hon. friend had been pleased to call his choice, he begged to be heard for one moment. He regretted to be obliged to make reference, on such an occasion, to information derived from the privacy of confidential intercourse. He would state, however, upon his own personal credit, that whatever were the feelings of others, who were near and dear to Mr. Canning, it had for years been his own anxious wish (owing to circumstances that were likely to press upon the acute and sensitive mind of such a man) to be placed in some public situation, however it might sacrifice or compromise the fair and legitimate scope of his ambition, which, while it enabled him to perform adequate public services, would enable him also to place upon a better footing his wife's private fortune, which he had decreased, and the inheritance of his children which he had impaired. He would not go so far as to say that this was a prospect fixed upon Mr. Canning's mind, or an object that he was bent upon pursuing, for it was difficult to trace the springs of so susceptible a temperament; but under the circumstances, it was quite natural, considering his means and his family, that while he honourably sought a situation to render service to his country, he should not be unmindful of the means of repairing the family fortune, which he had diminished while in the service of his country.—His hon. friend seemed to think, that these conflicts between the acceptance of particular offices, and the performance of different duties, were perfectly optional. This was an egregious mistake, and a wrong view of the springs of human action. It was not the principle which governed public men in this country—he hoped and believed not. The principle of Mr. Canning was, when his majesty had formally called upon him to forego one situation and fill another—not to look to the right or to the left—not to consider emolument, but public duty, and to obey the commands of his sovereign, if there was nothing in the nature of the proposition submitted to him incompatible with his public principles and personal honour. He had in his possession a letter written by Mr. Canning, a very few months after he had relinquished the golden prospects of the East, and when his right hon. friend seemed to think he was engaged in the cheerful gratification of his splendid ambition, in which, speaking of the toils and anxieties of his official situation, he used these expressive words—"Would to God I were now on board the Jupiter!"—the name of the ship destined for his voyage to India. So much, therefore, for his lamented friend's gratifying option: so much for the pleasures and profits of office, which he was supposed to have enjoyed with so much satisfaction! He entirely concurred with his hon. friend, as to the necessity of enforcing a principle of economy; but, if he was not mistaken, his hon. friend had more than once acknowledged that the great offices of the state were not in this country sufficiently paid. He (Mr. H.) had, indeed, always thought it would be a most unwise policy even with regard to economy, to raise the stipends of the high officers of state. His reason had been, that, circumstanced as this country was in having an aristocracy possessing great wealth, a number of commoners likewise with large fortunes, among whom great talents were so often found suited to the service of the country to whom the salary of office would be no object; such a feeling ought on principle to be cultivated, while at the same time the Crown should not be deprived of the means of calling into its service those talents which might be found placed in less fortunate circumstances in the community. He should be sorry to see the Crown restricted in the privilege of benefiting by the talents of any of these classes, whether by being excluded from the choice of servants among the less wealthy ranks, or tied down to the aristocracy, to the exclusion of whatever advantages might be available in other quarters. His conclusion therefore was, that it was a wise principle to keep the salaries of high and efficient offices at a comparatively low rate; and, whenever great services had been received, and want of adequate means the result to the individual or his family, to come down to parliament, once perhaps, in a quarter of a century, to make an appeal for the payment of the debts of some statesman like Mr. Pitt, or some provision for the family of such a person as Mr. Canning. This was an infinitely more economical course, than raising the salaries of officers of state, which would entail a permanent expense to the nation. Instances would often occur when, as in the case of the present Secretary for Foreign Affairs, the earl of Dudley, or in that of the late Secretary for the Home Department, the marquis of Lansdowne, salary would be nothing; for these distinguished persons having always large establishments, would have to incur, in consequence of official station, little or no additional expenditure. The more economical course was, to leave these salaries as they stood, and to leave the door open for any special case like the present.—Another charge of his hon. friend was, that Mr. Canning had expended a large sum of the public money, for fitting up his private residence. Now, he did not know the amount laid out upon the office in Downing-street; but he knew that, with the extension of the business of the Foreign Office, it became necessary to enlarge the building, and, when the expediency and value of personal residence was evident, and when it was considered that, in that neighbourhood it was not easy to obtain a house with suitable accommodation for maintaining the scale of hospitality which the office required, he thought it not too much that some expense should be incurred to secure such a public object; but he must repeat, that that expense could not have amounted to any thing like the sum mentioned by his hon. friend, in the way in which he had put it. Many persons who had filled office received more than their official salary as the reward for their services. Lord Grenville, for instance, had received other rewards besides the salary attached to the office, which he had filled with so much honour to himself, and so much advantage to the country. He mentioned this, for the purpose of showing, that his hon. friend was not borne out in his argument on that point, by a reference to facts.—His hon. friend had said that, instead of the country being a debtor to Mr. Canning for his services, she was his creditor on account of the expenditure of which he had been the cause, which had taken place in the foreign department while he was in office;' and his hon. friend had told them to look to Portugal, to Greece, and to the passage of the Pruth by the Russians. Every hon. member must see the unfairness of discussing such questions on the present occasion. Standing there as a minister of the Crown, and a colleague of the late Mr. Canning, and willing to encounter all the responsibility of those measures upon which his hon. friend opposite had passed such a sweeping condemnation, and ready as he was, on the fit occasion, to enter upon the defence of those measures, he would confess he felt, and sure he was it was a feeling in which the House participated, that it was exceedingly unfair to introduce such a subject into this discussion. He would say this to his hon. friend, that the expedition to Portugal was sent out with the concurrence of every minister who then sat in the cabinet, and that the measure had been approved of in another House, by the illustrious duke who now presided over his majesty's councils. He would say more, that that expedition was sent out to defend the oldest ally of this country against foreign machinations and aggression—that that was the sole, entire, and definite, purpose for which it was sent there; and that it had completely accomplished that purpose. The independence of Portugal had been preserved; she had been secured against foreign invasion, and those dangers had been dissipated, against which they had been called upon, by the faith of treaties and by the policy of this country, to provide. Nevertheless, his hon. friend would render Mr. Canning's memory responsible for the expenses of this expedition—he would charge the purse of his family, if he could—and he would, if it were in his power, call upon them to pay for that expedition with their last shilling. Nay, his hon. friend would go still further, and charge upon the memory of Mr. Canning that folly and infatuation which evil counsels had produced in the instance of the prince regent of Portugal. But though he would say that the prince regent of Portugal had, by his mistaken and infatuated conduct, forfeited his word to this country, still he would insist, that Portugal had been preserved a free and independent state,—that it had been rescued from foreign aggression. All the engagements to which this country was bound by the faith of its alliance had been fulfilled, and, if the expedition had cost British money, it was not at the forfeit of British honour. But the Russians had passed the Pruth, and, according to his hon. friend, it was quite just that Mr. Canning should be held responsible for that too. This was not the time to discuss the questions growing out of the present state of things in the east of Europe; but he did not anticipate any such direful consequences to this country from them, as his hon. friend seemed to apprehend. But, let the consequences be what they may, he would tell his hon. friend, that, but for the policy of Mr. Canning, the passage of the Pruth would have been effected long since, and under circumstances by no means so favourable to this country as those under which it had now occurred. All the obligations of the Treaty of London were in force, and were still binding upon that monarch who had found it necessary to take this separate step to vindicate the aggressions and injuries inflicted upon his subjects. His hon. friend had alluded to the force in the Mediterranean, and had laid the expenditure and the occurrences there at the door of the late Mr. Canning. Did his hon. friend never hear that the Mediterranean had been infested by numerous pirates? That the commerce of all nations, and particularly British commerce, had suffered severe losses in consequence of their depredations? It was to put down that system of piracy that the force had been sent out to the Mediterranean, and no blame could attach to Mr. Canning or to those who concurred with him in the policy of sending out that force, if a shock had afterwards taken place, which had never been anticipated as one of the consequences of those instructions which Mr. Canning, in discharge of his duty to the country and the Crown, had prepared. The next point to which his hon. friend had adverted was one upon which it was desirable that no discussion should have been provoked. His noble friend, who had addressed the House with so much eloquence and feeling, had adverted to the delay which had taken place in bringing forward this proposition. Now, he could assert, that there did not exist in the late administration, any indisposition to consider the claims of the family of Mr. Canning; and he could positively say, that in the present administration there prevailed one unanimous concurrence in the present proposition, and that the delay which had taken place was not to be attributed to any desire on their part to defeat the object of the proposition. All personal feelings had been laid aside when this question came to be considered by them—all angry passions were for the time forgotten, and they approached the consideration of the question as public men, looking only to the circumstances which had reference to the public services of the man, and the loss which his family had sustained by his death. In this they imitated the great example of Mr. Fox, who, at a period when the finances of the country were greatly embarrassed, notwithstanding the many angry and violent encounters which had taken place between them in parliament, was amongst the foremost to support the bill for the payment of the debts of Mr. Pitt, and, with the characteristic virtue of great men, laid aside all recollections of the differences which had prevailed between him and his lost rival.—He felt that he had already trespassed too long on the attention of the House. He would, however, say this of Mr. Canning,—that, during the course of a long parliamentary life, he had known all the great men who, for the last twenty-five years, had served this country, and that he never knew one of them who exceeded Mr. Canning in the exclusion of every thing of self, when concerned in the discharge of public duties. In his anxiety to discharge that duty, he was regardless of all other considerations: this desire for power arose from his love of fame; and his constant exertions, while in power, were directed to the advancement of the fame of his country. Animated with those feelings, he had lighted up that flame in the Peninsula which had blazed throughout Europe, and at last restored the peace of the continent. The same feelings influenced him in the latter part of his career—the same desire still animated his breast, to promote the good and advance the greatness of his country. The anxiety which he exhibited, and the incessant exertions which he devoted to the accomplishment of that great object, destroyed a frame which had been otherwise robust, and caused his premature decease. Too soon, alas! for his country, though not for his own fame. He last saw his lamented friend in the month of July—his health was then drooping—his strength was gone—and his frame was fast sinking to decay; but his spirit was still as young as ever, and his enthusiasm in the cause of his country knew no bounds. If he had errors, they were the errors of a great mind. He had known all the great men who, for the last half century, had directed the interests of this country, and in none of them had he seen the same devotedness of soul to the cause of the country which had been uniformly exhibited by Mr. Canning, with the exception of Nelson, and, as their feelings were similar, so their fate was the same; for both had fallen in the service of their country. If departed spirits retain the feelings which animated them in their earthly sojourn, sure he was that those kindred spirits would be still pervaded with the desire for England's fame and England's greatness. That was the all-pervading ambition which influenced the public conduct of Mr. Canning, and it was on that account that he called on the House to adopt the present motion. His hon. friend opposite had calculated what he reckoned Mr. Canning had cost the country, and had estimated it at 60,000*l*. No doubt his hon. friend had discharged what he conceived to be a public duty, in opposing this proposal; but sure he was, that the family of Mr. Canning would gladly relinquish more than 60,000*l*. if they could have restored to them that parent who had fallen a sacrifice to his devotion to his country.

Mr. *Stanley* said, that there were some points on which he should have addressed the House, had not the right hon. gentleman who had preceded him answered the hon. member for Dorsetshire on everything that had been so invidiously urged by him against the late Mr. Canning. But, though those points had been much more efficiently answered by the right hon. gentleman than he could have hoped to have done, he could nevertheless not consent to give a silent vote on this subject, as there were some matters in the course of the debate which had struck him as proper to allude to, at the same time he must dissent from an expression which had been used by a noble lord opposite, in reference to the hon. member for Aberdeen, and those who sat with him on that side of the House. The expression was one which had, no doubt, escaped from the noble lord (G. Bentinck) in the heat of debate, and which he would not have employed upon calmer reflection. He certainly was of opinion that in the present instance the hon. member for Aberdeen had acted upon a mistaken economy as to trifles, which would only lead to greater expenditure in more considerable matters: but he was sure that credit would be given to that hon. member, for his incessant exertions to curb the public expenditure. It was for this reason that he was sorry that his noble friend, in speaking of Mr. Canning, had made use of the expression that he had caused the member for Aberdeen and those who went along with him to shrink into their native and miserable insignificance. It was with the turn of the expression, and not with the substance, that he quarrelled; for certainly Mr. Canning had caused those minorities to shrink into insignificance; but how had he effected that? By the adoption of those liberal measures which that minority had for years advocated, and recommended—by endeavouring to keep pace with the spirit of the age—not to go before it; and always judiciously taking care that that House should not lag behind. On this it was that he wished to build the foundation of Mr. Canning's fame; not upon great talents, which might be misapplied; not upon eloquence, which might be abused. No doubt, in the course of his long political life, he must have had a devious and difficult course to pursue; and though he might, perhaps, at times, have found it necessary to lean on one side, he had, nevertheless, steadily pursued that course which he believed would lead to his country's good. But though the man was dead, he trusted that his spirit still remained among them, and that the same liberal policy would be continued to be acted upon, which he had so happily been the means of introducing.

Mr. *Stuart Wortley* said, that he should certainly vote in support of the motion; and he thought that the House, when it took into consideration the zeal and the talent which the late Mr. Canning had uniformly displayed in the cause of his country, and the line of policy upon which he had acted, would follow the course which he intended to pursue.

Mr. Secretary *Peel* said, he felt it his duty to offer a few observations to the House, in consequence of what had fallen from a noble lord (Althorp). The noble lord seemed to labour under the impression, that this vote had been proposed in consequence of some compromise between the members of the present administration. He could assure the noble lord that that impression was entirely erroneous. For himself he would say, that if he never had happened to have had any official connexion with the late Mr. Canning,—if he had been but a private member of that House,—he would have given his cordial vote for this proposition. The proposition appeared to him to be founded upon the broad grounds of its being perfectly consistent with policy, and reconcilable with the practice which had been adopted in reference to former ministers under similar circumstances. It was a proposition affording a reward for talent which had been devoted to the service of the country. He could not concur in the gloomy view which had been taken of the finances of the country. He did not believe that this country was so degraded as not to be able to fulfil the claims of justice, and to reward the services of its public men. His right hon. friend the Secretary for the Colonies had put the question upon its proper grounds. It was not a proposition to impose a burthen of 3,000*l.* a year upon the country: it was a proposition in perfect accordance with the principle of that act which had given to the Crown the power of granting pensions to persons who had filled certain offices. The preamble to that act recited, that the giving such a power to the Crown "was consistent with sound policy and proper economy." The real question, then, came to this—are there not circumstances in this case so special as to make it come within the spirit of the act? And the hon. member for Dorsetshire should have remembered, that they were not speaking of the regulations necessary to be made for clerks' salaries, but of the provision to be afforded by the country to the family of a deceased prime minister—that they were speaking of one to whom, under that very act, there might have been allowed a pension, had not Mr. Canning been prevented by circumstances from enjoying it; and now all that was proposed to be done was, to transfer the income to which Mr. Canning would have been entitled, had he lived, to his family now that he was dead. That act empowered the king to grant pensions to any person who had filled certain offices for a space of time not less than two years. Mr. Canning had been a servant of the country for upwards of twenty years, and had held the office of Secretary for Foreign Affairs, which was one of the offices within the act, for at least eight or nine years. Were there, then, any fair or just grounds for resisting the proposition before the House? The whole proposition depended on the peculiar circumstances of the case, and on the possibility of the embarrassing nature of the precedent to which it might lead. But, in the case of Mr. Perceval,—a case, the circumstances of which were very peculiar,—could he forget that provision was made for the family of that individual? Could he forget, in considering this question, that provision had been made, in the case of Mr. Pitt, as well as in the case of other eminent men who had been in the public service? In the case of lord Grenville, though no provision was made by parliament, yet it was derived from another source, because means applicable to the purpose then existed which this act put an end to. Other means might, at that time, be employed for the reward of meritorious services which were no longer in being. Mr. Burke, a man of great genius and talents, was rewarded. Mr. Burke did not hold official station; but still a provision had been made for that eminent man. Such a provision could not now be made; the pension system which then prevailed having been discontinued. But, if no direct mode of granting reward existed, still this country, when appealed to, would never refuse a just and honourable remuneration for great public services. It appeared to him that every gentleman might consent to this motion without in the slightest degree compromising his political opinions. In the case of Mr. Pitt all party differences were merged in a determination to pay a tribute to his memory for great talents long employed in the service of his country. At that time a distinct difference was drawn between the erection of a monument to the memory of Mr. Pitt, and the grant of a sum of money for the payment of his debts. Mr. Windham and Mr. Fox said, "We cannot vote for a public monument, without recognizing public services; but we will vote, with alacrity, for the grant of a sum of money, to enable the family of a distinguished man to pay those debts which were incurred in the service of his country." That distinction he considered to be a plain and valid one; and, if the case of a statesman were laid before them, who for twenty years had devoted great talents to the service of his country, he conceived that every member would be justified in voting a sum of money for the benefit of his family commensurate with the services which had been performed. The hon. member for Montrose had said, that the gratification of ambition in holding high situations in the state, formed of itself a sufficient reward. But why should it be so considered? When they saw individuals acquiring high honours and great emoluments at the bar and in other professions, why should they turn round to the family of a deceased minister and say to them, "The gratification of ambition was his reward. It is true he gave his services to the state, but we will not listen to your claims for reward from his country, because your parent was satisfied with the gratification of his ambition." This would be a low and niggardly way of dealing with public men. In the case of Mr. Canning he found combined all the circumstances necessary to support this claim. Mr. Canning had for twenty years held high stations in the government,—he had brought to the service of the state most splendid talents, — and he had discarded, during his whole career, all feelings of private and personal interest. There was here arrayed, therefore, that combination of circumstances which would prevent the present from being drawn into any inconvenient precedent hereafter. Under these circumstances, he would say, as he had said before, that if he had not been connected with Mr. Canning in the public service, as he had been for a number of years, — if he had been a private member of parliament, and not a member of the government—he should have felt himself perfectly justified, without the compromise of any public principle, in heartily assenting, as he did assent, to this proposition.

Mr. *Western* regretted that a sense of public duty would prevent him from agreeing to the motion. He did not think that the public services of Mr. Canning called for such an expression of the national gratitude.

Sir *George Murray* said, it seemed to him, that some hon. members were desirous that the country should imitate the example of those states of antiquity who were remarkable for the ingratitude with which they had treated those illustrious men, through whose talents alone their existence had now descended to posterity. It was a satisfaction, however, to perceive that the younger members of the House were not tainted with this blameable apathy. He heartily concurred in the motion.

Lord *Palmerston* did not consider the proposition in the light of a reward for services rendered, nor as an act of generosity; but as a measure of strict justice. He regretted that the debate should have taken so decidedly a party turn. With the life of the eminent individual, all party differences ought to have ceased; and, as to the plea of economy, the setting it up upon the occasion, was calculated to disgust the House with the very name.

Mr. *Wynn* said, that even if he had differed with the late Mr. Canning, on the question of policy, he would still vote for this motion, upon the same principle that he had voted for the payment of Mr. Pitt's debts.

The committee divided: For the motion 161; Against it 54. Majority 107.

List of the Minority.

Althorp, lord
Arbuthnot, col.
Archdall, col.
Bankes, H.
Bankes, G.
Bastard, E. P.
Bright, H.
Burrell, sir C.
Burdett, sir F.
Bell, M.
Brudenel, lord
Carter, J. B.
Chaplin, C.
Cholmeley, M. J.
Drake, T.
Dawson, A.
Davenport, E. D.
Egerton, W.
Fane, J.
Fellowes, W. H.
Ferguson, sir R
Forester, hon. J. G. W.
Howick, lord
Hay, lord J.
Heathcote, G. J.
Heron, sir R.
Hobhouse, J. C.
Ingilby, sir W.
Knatchbull, sir E.
Keck, Legh
Knight, R.
Lloyd, sir E. P.
Lushington, S.
Maitland, Viscount
Maitland, hon. A.
Monck, J. B.
Palmer, Fyshe
Ridley, sir M. W.
Robinson, G. R.
Sebright, sir J.
Sibthorp, col.
Strutt, col.
Tavistock, marquis of
Thomson, C. P.
Townshend, lord C.
Vivian, sir R.
Waithman, ald.
Warburton, Hen.
Webb, col
Western, C. C.
Wells, J.
Wilbraham, G.
Wood, John

TELLER.

Joseph Hume

SUMMARY CONVICTIONS—PETTY FELONIES.] Mr. *E. Davenport* rose to move for leave to bring in a bill to afford to criminals accused of Petty Felonies the option of Summary Conviction by two or more magistrates. In the first place, he begged gentlemen not to suppose that the object of his motion was to increase the power of magistrates. He thought that, in many cases, magistrates had too much power, and he should be happy to see it contracted. It did not however follow, that because they had too much power in some cases, they had not too little in others. He believed that their power of inflicting severe punishments was too great, and that their power in tempering justice with mercy was too small. He begged hon. gentlemen to observe the inconsistency of giving two justices at quarter sessions the power of transportation, while it deprived the same two justices at petty sessions of inflicting the most trifling punishment. All they could do was to commit the offender to prison, where he must remain for months, probably, until the period of his trial approached; and this, too, perhaps, for an offence which, some years ago, would have been much better punished by the parish stocks and the parish beadle. Gentlemen were not perhaps, aware, that those costly buildings called county gaols were no better than so many universities for the propagation of criminal knowledge, in which students took their degrees in vice.—After detailing the causes of the increase of crime, which he contended to have arisen from the profligate issue of paper money during the French war,—from the distress which arose from raising the value of the money in which the national debt had been contracted,—from the game laws,—and from the number and length of the commitments to gaols, where the criminals met with better lodgings, better fare, and worse company, than they had before been accustomed to, the hon. member observed that his motion was principally levelled at the last. He had consulted the most intelligent magistrates and gaolers in the country, and he had found no difference of opinion on this point; namely, that men were certain to leave a prison worse than they entered it. It ought to be recollected, too, that in every gaol-delivery nearly one-third of the prisoners were either acquitted or discharged. The object of the bill which he meant to introduce was, to give magistrates the power of committing boys under a certain age—say sixteen, for a limited period, to solitary confinement, for the first offence, instead of letting them remain among the usual inhabitants of prisons. For the second offence whipping might be resorted to; but then it must never be public, and only inflicted in cases where there was no chance of reforming the offender by other means. To adults he would leave the option of appealing to a jury.

Mr. *Fergusson* said, he was convinced that a bill of this nature could never pass through a single stage in that House. Until that part of the law which made the forfeiture of property consequent on a conviction for felony was altered, he was quite sure that the House would never trust such a matter to magistrates. This deprivation of property seemed to be entirely forgotten by the hon. member. Cases of misdemeanor, such, for instance, as assaults, might be advantageously disposed of in the manner now suggested, but in felonies nothing of the kind could be done, while the law remained as it was.

Mr. *Sykes* hoped the House would give his hon. friend leave to bring in this bill, because it was probable that some measure might emanate from the House which would amend the criminal jurisdiction. At present, the objection of his hon. friend, who had just sat down, appeared to be insurmountable. Every body must agree, that long imprisonments, so far from being calculated to do good, prevented men who had once become inmates of gaols from afterwards returning to the paths of virtue. He never knew of a man being reformed by such a course of punishment; and he had, therefore, always preferred transporting an offender at once, if the offence were a serious one. He recommended to the notice of his hon. friend, a very able pamphlet, written by sir John Eardly Wilmot, which contained some useful suggestions on the subject.

Mr. *Western* thought the forfeiture of property consequent upon felonies should be removed, before the magisterial jurisdiction, proposed by the bill, was adopted. There were many cases of juvenile offenders, in which a summary power of conviction by the magistrates would be infinitely better than subjecting them to the contamination of a prison before trial. He felt how jealous the legislature ought to be in giving the magistrates this summary jurisdiction; but he did not believe that any evil could result from the measure now proposed. In truth, there were many little offences which it would be much better wholly to overlook, than to bring them before any tribunal.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Wednesday, May 14.

GAOL DISCIPLINE.] Mr. *E. Davenport* moved, that a select committee be appointed to consider the best mode of introducing a uniform system of Gaol Discipline throughout the united kingdom. The hon. member stated, that his chief design in bringing this subject before the notice of the House was, to effect an equalization of gaol-discipline over the whole country. Every person acquainted with the existing regulations would admit, that they were susceptible of material improvement. A subject so essential to the public appeared to him deserving of serious consideration from the legislature. According to the present system, there was a material disproportion in the punishment for petty offences in different counties. In some places, the term of hard labour was much longer than it was in others. The allowance of food was also unequal.

Mr. *Western* coincided in opinion with the hon. gentleman. He thought that a committee might find much to amend and new model in the existing system.

Mr. *Peel* said, he considered it quite impossible to establish a uniform system of gaol discipline throughout the country. Indeed, his opinion was, that there already existed too much minute investigation on the subject, and therefore he would oppose the motion.

After a few words from Mr. Leycester, sir F. Burdett, sir J. Yorke, sir W. Guise, Mr. S. Rice, and Mr. Estcourt, the motion was negatived.

PROVISION FOR THE FAMILY OF MR. CANNING.] The order of the day was read, for bringing up the report of the resolution of the committee of the whole House on the Offices Pensions Act. The report being brought up by Mr. Planta,

The Marquis of *Chandos* said, that not having been present on a former occasion, when the grant to the family of Mr. Canning was proposed, he availed himself of that opportunity of stating his decided objection to the measure. He begged that his objection might not be considered to rest upon economical principles, but as being intended to mark his disapprobation of the principles of Mr. Canning, principles which he considered to have been productive of the greatest calamities to this country.

Sir *T. Acland* expressed his deep regret, after what had occurred on a former night, that any member should have expressed his opposition to the grant.

Sir *James Scarlett* said, he was not sorry that the noble marquis, by reviving this subject, had given him an opportunity of expressing his regret, that he had not been present last night when this measure was proposed. He had not been aware of the proposition or he should have made it his duty to attend, for the purpose of expressing his warm approbation of it. He could not agree with the noble lord, that a difference of judgment upon certain political measures of itself afforded a sufficient ground for withholding that approbation. He was not disposed to think that a minister, whose personal honour and integrity were above suspicion, was less sincere and zealous in devoting his life to the service of his country, because he might differ with him in opinion upon the policy of his measures. He should, however, not do justice to the memory of Mr. Canning, or to his own feelings, if he placed his support of the measure merely on the ground of his zeal and sincerity. On the contrary, he thought it a tribute due to that great and lamented statesman, however humble as coming from him, to state, that during a long and intimate acquaintance with him he had the means of ascertaining and estimating his political principles and opinions, and that he knew of no public man whose opinions and principles upon subjects of general as well as national policy, so generally coincided with his own.—He did not mean to say, that no difference whatever existed upon any subject; for that was scarcely possible between any two persons who sincerely thought for themselves, but that Mr. Canning's views of British interests and British policy, and his principles of government, presented fewer grounds of difference, to his judgment, than those of any other statesman whose opinions he had equal means of knowing.—With respect to the objection of economy, he would only say, that the time was not yet arrived when this great nation was so reduced, as not to be able to reward the services of public men. If it were so, it would be necessary at once to discard all public servants. Many examples existed of similar and greater rewards, but he would venture to say, that no example could be found of services that more justly called for the grateful notice of the sovereign and the country. Not to mention that Mr. Canning, at the call of his sovereign, had relinquished the government of India with the most ample and honourable opportunity of retrieving the fortune of his family, impaired by the expenses of office, without any stipulation for his own personal interests; not to mention his long services in various offices, nor his incessant labours in the Foreign office, to the duties of which he was so entirely devoted as to leave no time either for amusement or health, he would state it as his opinion, that, upon that occasion, which placed him at the head of his Majesty's councils, he became peculiarly entitled to the gratitude of his country. It was far from his intention to insinuate blame upon any individual, with reference to that event; but it must be admitted, as an historical fact, that in that important crisis the sovereign was surrounded with peculiar difficulties. To these Mr. Canning was far from insensible, when he had the courage to undertake, by the desire of that sovereign, the formation of an administration, and the good fortune to accomplish his object in a manner that he (Sir J. Scarlett) firmly believed to have been highly acceptable to the British empire, for he would venture to say that, short and precarious as that administration was, none had ever existed in his time which commanded a greater majority in that House, or conciliated and satisfied so great a portion of the people. It was formed under difficulties resulting from various causes; but it was formed upon a principle of excluding no man of competent talents, and of conciliating all who were willing to forego the petty feelings and triumph of party, for the purpose of uniting all the practicable means of promoting the honour and interests of their country. He should be excused in saying for himself, that in accepting office in support of Mr. Canning's administration, he was actuated not less by what he thought his duty upon public grounds than by sentiments of personal regard and attachment to Mr. Canning. He knew that he held office under a precarious tenure, and probably with no advantage to himself; but, nevertheless, he felt the greatest anxiety to support Mr. Canning's government upon every ground of public duty as well as private friendship. The opportunities which his short-lived connection with office had given him of witnessing Mr. Canning's application to business, enabled him to say with confidence, that the life of that illustrious man had become a sacrifice to his unremitting labours. The peculiar circumstances in which that great man was placed had thrown for a season the whole weight of the government upon his shoulders. He had shown in the struggle a spirit and an assiduity without example; but he had at length fallen the victim of his own zeal in the public cause. Surely it could not then be doubted, that the family, which had been thus deprived of him, were entitled to the protection of their sovereign and of the country, and to some signal mark of public favour.—He could, indeed, have wished that the sum proposed had been of much greater magnitude: examples were not wanting to justify a larger vote, and he should gladly have concurred in it; but such as it was he should give it his unqualified support. He was aware that this measure could be justified on public grounds only, but he could not help mixing up his personal feelings with public duty upon this subject, and he hoped he might be allowed to express his deep regret at the loss of one, who, to all his great and acknowledged qualities as a statesman, added, by his virtues and the charms of his society, a peculiar power of attaching to him all who had the good fortune to approach him in private life; one who had, since his accession to power in 1822, advanced the interests of his country at home and her reputation and power abroad, and, by the wisdom of his measures, enforced, in a spirit of conciliation and peace, had drawn to their support men of all political parties, and had infused a degree of content and satisfaction long unknown in this nation; one who had the rare felicity of conciliating many enemies, political enemies he meant, for personal enemies he never could have had, and of never losing a friend.

Lord *Palmerston* felt himself called upon, as a member of Mr. Canning's government, to reply to the observations which had fallen from the noble marquis in a tone of such apparent rancour. He could not allow that statement to remain uncontradicted, considering, as he did, that the government of this country would be entitled to parliamentary support, in proportion as it adhered to the principles of Mr. Canning, whose name would be venerated long after his detractors had been consigned to oblivion.

Sir *T. Lethbridge* felt it his duty to say, that however much he had differed with Mr. Canning in his latter days, in consequence of his attempt to carry on the government by the most unnatural alliance ever contracted in politics, still he could not but recollect Mr. Canning's eminent services, his unrivalled genius, and his public spirit. On these grounds he gave his unqualified assent to the motion.

Mr. *Spring Rice* wished to seize the last opportunity that was likely to arise, to express his entire assent to the proposed grant. He considered the present likely to be the only opportunity that would present itself; for he could scarcely imagine that an opposition, so singular in its character, could be continued; and he anticipated, that the measure in its further progress would meet the unanimous approval of the House, as it undoubtedly would that of the country. The opposition to it would have astonished him, at any time and in any place; but that in the House of Commons, the theatre of Mr. Canning's exertions, the field in which his genius had displayed itself, any objection should have been made to a grant like this, was to him a matter of astonishment. But he wished to distinguish the two classes of whom the opponents to this measure consisted. The economists of money might, perhaps, think themselves warranted in refusing any grant, however deserved, provided they considered that the finances of the country would not warrant such expenditure. In this he could not concur; for he could not admit that England was in a position to refuse the reward of eminent services. Let it not be said that military glory and death in action were the only events that could justify national gratitude. Civil worth, if eminent, belonged to as high a class of exertions, and men might die, as Mr. Canning had died, for their country, without falling by the sword. But there were economists of another school, who objected to this vote,—economists of good feeling,—persons who wished to apply retrenchment to sympathy and gratitude, and who were desirous of reducing all generous and honourable impulse. With them he would hold no communion; and of them was the minority chiefly composed,—discontented agriculturists, who revenged themselves for the Corn-bill by their vote, and who marked their disapproval of Mr. Canning's liberal policy by denying this pittance to his children. He could have wished the vote to have been larger; but, assuming its limitations to refer to the financial state of the country, he accepted it as a tribute to the services of Mr. Canning; and as such he thought it one highly honourable to the government to have proposed it.

Mr. *Dawson* regretted that any personal warmth should have found its way into the debate, and conceived the observations made by the hon. gentleman who preceded him not calculated to produce the unanimity they desired. Had he to give a vote as a private member of parliament, he could equally as at present, have supported the proposition; feeling that such a grant was deserved by the length and eminence of the public services of Mr. Canning. He, however, thought that expressions had fallen from his noble friend (lord Palmerston) stronger than, on reflection, he could have wished to apply to the noble marquis.

Lord *Palmerston* regretted that an occasion should have arisen that called on him for the expressions he had employed, but that occasion having arisen, he did not regret what had fallen from him.

Mr. *V. Fitzgerald* concurred in the vote, and explained his connexion with Mr. Canning's government. In continuing in office, he had made very considerable sacrifices, of a personal nature, to his public duty.

Lord *Morpeth.*—I rise to mention one circumstance which I omitted to state when I addressed the House yesterday evening; it is, however, a debt of justice due to individuals not to pass it over in silence. A rumour has gone abroad, that the peerage conferred upon the widow of Mr. Canning, was not so conferred until after it had been solicited by her. If such an impression does exist, from whatever quarter it may have been derived, I can say, that a more unfounded and flagrant calumny never proceeded from the lips of man. I am glad to take this public opportunity of stating, that this mark of favour was bestowed at a time, and in a manner, which reflected equal credit upon the Sovereign who so feelingly conferred it, and the statesman whose memory he thus honoured.

Mr. *Planta* expressed his feelings with respect to the zeal, talent, and industry, with which Mr. Canning had applied himself to the discharge of his official duties; and to which his health had been sacrificed, and to which he had ultimately fallen a victim.

The Resolution was agreed to.

HOUSE OF COMMONS.

Thursday, May 15.

CASE OF MR. SERJEANT ROUGH.] Sir *James Mackintosh* said, he had a petition to present from Mr. Serjeant Rough, late president of the court of justice of the united colony of Demerara and Essequibo, to which he earnestly desired the attention of the House. The petitioner's case was one of peculiar hardship, and if it should meet with no remedy, it was deeply to be deplored. He was a man who, for his learning, integrity, and abilities, had been promoted to the office of president of the Supreme Court of a very important colony. From that office he was suspended by the governor. Such suspension was afterwards pronounced illegal and unnecessary, by his majesty in privy council, three years ago. Notwithstanding which decision, the petitioner and his family were reduced to the brink of ruin by the suspension. No blame whatsoever was attributed to the government, past or present, on account of the distressing situation to which the petitioner was reduced. On the contrary, effectual redress was anticipated from their power and inclination to do him justice. It was not his object now to criminate the governor of Demerara. He had not come there for the purpose of reviving controversies, or kindling animosities. He appeared as a suitor, not as an accuser. In 1816, Mr. Serjeant Rough was appointed to the dignified and difficult office, for which he was well qualified by his judicial attainments. The office was difficult, as it required a thorough knowledge of a very complicated system of jurisprudence. The Roman law was the chief foundation of colonial courts of justice, and an expert civilian only was fit to preside in them. Few lawyers in this country were competent to discharge the functions of such an office, however distinguished in other departments of the profession. From 1819 to 1821 various differences had arisen between the governor and the president, which were ascribed, by the Privy Council, to the ill-defined limits of their respective authorities. These misunderstandings he should pass over, as unnecessary to be discussed on this occasion. In October, 1821, the governor, it appeared, had suspended Mr. Rough from his official functions. If the suspension were just, his character must have irreparably suffered from so extreme a measure. It would have proved him incapable of the discharge, of a public trust, and undeserving of public confidence. He naturally returned to this country to vindicate his professional character, which would have been utterly annihilated, if not openly purified. The peculiar hardship of the suspension was, that it occurred after an absence long enough to cut off all his professional connexions at home, and not sufficiently long to have enabled him to indemnify himself for such a pecuniary sacrifice. The affair had been now for three years negotiating in this country; and he was still suffering under all the grievous consequences of the suspension. When he returned, he made application at the office of the Colonial Secretary of State. From his knowledge of the character of the individual to whom he had there applied, no doubt his case had been treated with fairness and liberality. He had recourse to the professional assistance of two of his private friends, who held a high rank in the estimation of the public, and who felt a personal respect and esteem for the petitioner. The persons alluded to were the present lord chancellor, then solicitor-general, and Mr. Denman. By their advice, he was induced to abstain from an action or indictment, against the deputy-governor, as it was deemed indiscreet to press proceedings of so harsh a nature. He then petitioned for a hearing before the king in Privy Council. The reputation and qualities of the distinguished persons who composed that tribunal were enough to ensure an attentive consideration to his case. The result was, that his reputation was cleared from all stain, and his suspension was declared an act of injustice. The right hon. gentleman then contended that Mr. Serjeant Rough had been prevented from pursuing his professional pursuits in endeavouring to obtain redress for the unjustifiable persecution to which he had been subjected. Under these circumstances, he was compelled to invade the moderate provision which had been set apart for his children. Their money was expended in the defence of their father's good name, which they considered the most valuable part of their inheritance. At the end of several years the petitioner was re-established in honour, but left without compensation. The petitioner desired that his case should be again brought under the review of ministers, in the hope that they would advise his majesty to appoint him to some judicial office in the colonies, which would be an act safe towards the public, and liberal and equitable towards the petitioner. It should not be forgotten, that the petitioner had been advised by the Colonial Department to forego his right of legal remedy, by which he might have obtained compensation. That was a circumstance of which Mr. Rough ought to have the benefit. The petitioner's case was deserving of serious consideration, since it was intimately connected with the administration of colonial justice; for if he were left without redress, those persons who were best fitted for exercising judicial functions in the colonies would be deterred from proceeding thither.

Mr. *Wilmot Horton* said, the Privy Council did not decide that the suspension of the petitioner was illegal; but they said that, under all the circumstances of the case, they thought the lieutenant-governor was not justified in suspending him. The Privy Council added, that they saw cause to regret the indiscreet conduct pursued by Mr. Serjeant Rough. The object of the presentation of the petition was to procure the appointment of Mr. Serjeant Rough to some judicial situation in the colonies. Now, it ought to be known, that lord Bathurst had offered Mr. Rough the chief-justiceship of Dominica, which he refused on account of ill-health. The right hon. gentleman was wrong in supposing that the petitioner had been advised by the Colonial Department not to resort to legal proceedings. Mr. Rough was merely informed, that it would not be desirable to adopt both courses; namely, to bring an action, and to appeal to the Privy Council. Under these circumstances, Mr. Rough adopted the latter proceeding, and he received every assistance from the Colonial Department in bringing forward his case. Upon the whole, he thought the House must be of opinion that this was a case which ought to be left entirely to the discretion of the executive government.

Mr. *Sykes* hoped that something would be done to alleviate the sufferings of the petitioner.

Lord *F. Gower* said, it was quite evident that an act might be legal, and yet come within the description given of the suspension of Mr. Rough by the Privy Council; namely, that it was not justified by absolute necessity.

Ordered to lie on the table.

Usury Laws.] Mr. *P. Thompson* presented a petition from certain merchants of London, praying "for the Repeal of the Usury Laws." The hon. member took occasion to say, that if any intention existed of taking the sense of the House upon his motion, which stood for that evening, for the repeal of the Usury-laws, he would postpone it to a future day.

Sir *R. Williams* expressed his determination to divide the House on the question.

Mr. *Calcraft* said, he also would oppose the motion, though he would have no objection to the bill being read a first time *pro forma*, if it were made a government measure.

Mr. *Maberly* expressed his surprise that the agricultural interest should be adverse to the repeal of the laws which restrained the commerce in money.

Mr. Secretary *Peel* thought it would be best to fix a day for the discussion of the question. He was sorry he could not undertake that government would bring forward the measure.

Sir *G. Philips* thought it betrayed great partiality in hon. members to declare their intention to oppose a motion before they had heard the grounds on which it was to be supported.

Mr. *Bright* said, the question had already been so often discussed, that every person must be supposed to be acquainted with its merits.

Sir *J. Wrottesley* declared himself unwilling to adopt any theoretical opinions upon the subject, unless they were reconcileable with experience, which was, after all, the best guide that practical men could adopt.

Ordered to lie on the table.

Cities and Boroughs Polls Bill.]—Colonel Davies moved the further consideration of the Report of this Bill.

Mr. *Jones* thought the clause was particularly objectionable, which curtailed the period of voting from fifteen days to six, because it affected the rights of the electors. Besides, there would be a great difficulty in identifying the voters at the different booths. The provision, which empowered the returning officer to close the poll on any day when two hundred voters had not polled, intrusted too great a power to such persons. He trusted the hon. gentleman would delay his measure till another session.

Colonel *Davies* was persuaded that six days would be sufficient to answer all the purposes of borough elections, and would persist in his motion.

Lord *Lowther* was anxious to facilitate the taking of polls at elections, but thought that the present bill would, in most cases, have the effect of limiting the elections to two days, and was, in its general tendency, injurious.

Mr. *Baring* thought the bill calculated to produce entire confusion in the proceedings at elections. It gave great power to returning officers, a class of persons who ought not to be intrusted with much power; and the plan of dividing counties into different districts would add greatly to the expense, by obliging the candidate to have confidential agents in every district. He objected to the limitation of the poll to six days, which, he contended was not a sufficient time, and thought that, in many contested elections, it would often be impossible to poll two hundred voters in a day.

Mr. *Ross* stated several clauses in the bill which he considered objectionable, and would render it inoperative. He concluded by moving, as an amendment, that the report be taken into further consideration on that day six months.

Mr. *Bernal* said, that the bill required pruning with no sparing hand, several of its clauses were too obnoxious to be carried into effect.

Mr. *North* considered it desirable that a bill similar in principle to the present should be introduced in Ireland, where it was even more necessary than in this country.

Mr. *Bright* objected to the bill, as it contained such exceptionable minutiæ that he believed it was unwise to attempt to amend it. For these reasons, he was for getting rid of the bill for this session.

Mr. *R. Gordon* said, that whilst others found fault with the bill for doing too much, he was opposed to it because it did too little. Although he approved of the principle of the bill, he thought it inefficient, and should support the amendment.

Mr. *D. W. Harvey* thought this bill was a very fair exemplification of the difficulty so generally experienced in attempting to make a measure palatable to every one. The bill certainly was good in principle, though ill-shaped and defective in its application. It destroyed also the responsibility of the returning officer, who was too often a partisan at elections. If it passed, its effect would be to render it absolutely necessary to bring down all the metropolitan freeholders and voters in the first instance, even from the most distant parts of the kingdom; which would prove enormously and often very needlessly expensive.

Mr. *Sykes* hardly knew whether the hon. mover of this bill had been treated worse by his friends or his foes. He admitted that the bill ought to be simplified. With that view he hoped leave would be given by the House to his gallant friend to recommit it.

Mr. *Wynn* approved of the provisions of the bill, so far as they related to empowering the voting officer to remove the poll to more convenient places, if necessary, and limiting the duration of the polls in small boroughs. He did not feel the weight of the objections which had been urged against the measure.

Mr. *Robinson* felt the objection as to limiting the polling days to six, so strong, that he would vote for the amendment, although friendly to the general principle of the bill.

Sir *J. Newport* believed the evil intended to be redressed by this bill was inherent in the system, and not to be reached by any thing short of a positive enactment to prevent the rights of the actual resident freeholders and persons having property in the county or city from being invaded and rendered valueless by the out-voters at elections. That corrupt influence was generally more easily discernible in that class of voters, no person, who had experienced the consequences of a contested election, would deny. He would confine the right of voting in boroughs to persons either residing or having property within them, for, without some such enactment, it would be impossible to have any security against corruption.

The House divided: For the amendment 20; Against it 23; Majority 3. On the question, that the bill be now recommitted,

The *Attorney-general* said, he could not give his consent to a bill which was at once egregious injustice and egregious absurdity. He then entered into a minute investigation of its clauses, for the purpose of showing that it was calculated not only to multiply the expense, but to increase the confusion of elections.

Mr. *Wynn* objected to the course taken by the opponents of the bill; which, to say the least of it, was most unusual. After an amendment had been negatived for deferring the consideration of a bill to that day six months, it was not very usual to call upon the House, within ten minutes afterwards, to reconsider its determination. He expressed himself favourable to the principle of the bill.

Lord *Lowther* objected to the bill entirely.

Mr. *Ross* defended the conduct of the Attorney-general. Surely hon. members were not bound to let this bill go into another committee, if the only object of the gallant officer was to alter the bill in such a manner as to make an entirely new bill of it.

Colonel *Davies* entreated the House to let the bill go into a committee. Hon. gentlemen did not so much object to the principle of the bill as to its clauses.

The House resolved itself into a committee. After some discussion, finding it difficult to proceed with so few members in the House, colonel Davies moved that the chairman should report progress, and ask leave to sit again; which was assented to.

HOUSE OF LORDS.

Friday, May 16.

Roman Catholic Claims.] Sir F. Burdett, accompanied by several members of the House of Commons, brought up the following message:—"My Lords—I am desired by the Commons to state, that they desire a conference with your lordships on the subject of the laws affecting his majesty's Roman Catholic Subjects in Great Britain and Ireland, with a view to such final and conciliatory adjustment, as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his majesty's subjects." On the motion of the earl of Shaftesbury, the members of the House of Commons were informed, that their Lordships would send an answer to the Commons by a messenger of their own. On the motion of the duke of Wellington, their lordships agreed to the proposed conference, and appointed Monday, at half-past five o'clock, for the same.

HOUSE OF COMMONS.

Friday, May 16.

Navy Estimates.] The *Chancellor of the Exchequer*, in moving the order of the day for the House resolving itself into a Committee of Supply, wished to say a few words, for the purpose of laying before the House what he conceived would be sufficient grounds to justify it in entering upon the consideration of the Navy Estimates, previous to its receiving the Report of the Finance Committee. On the appointment of that committee, it was expected that it would be enabled to make its Report in sufficient time to admit of being taken into consideration, antecedent to voting the estimates. In the course, however, of their investigations they had met with difficulties and delays, which in all probability, would protract their sittings, and, if the House were to wait for their report before any estimates were voted, it would retard the public business. It was the opinion of the committee of finance, that the consideration of the estimates ought no longer to be delayed.

Lord *Althorp* would not now have offered himself to the notice of the House, if he had not observed that the chairman of the finance committee was not then in his place, to confirm the statement of the right hon. gentleman opposite, relative to its being the wish of the committee that the mode now suggested for the disposal of the estimates, should be adopted. There was another reason which induced him to address the House. He alluded to a question of great public importance, on which it had long been his anxious desire to submit some observations; namely, that of impressment in the navy. He wished to state his opinions upon the subject, because he knew that he went to an extent upon this point, to which others refused to go. He felt there were many and great evils in the system of impressment, but he believed that much of the evil was necessary and unavoidable. It would be impossible for us to maintain our naval superiority, or to man our fleet so efficiently and quickly as was desirable in the event of a war, without possessing the power of enforcing compulsory service; but many things might be done in mitigation of the evils occasioned by impressment. As matters now stood, circumstances rendered it impossible to dispense with the power of impressment at such a time. If we could not man our fleet rapidly, the commerce of the country might be ruined at the commencement of hostilities. Besides, the principle of compulsory service was not confined to England—the practice, in one shape or other, existed in all countries of the world. He did not exactly know how America was circumstanced in this respect. He would point out some of the evils connected with the practice of impressment. In the first place, he reckoned as an evil, the interference with the personal liberty of the seaman, who was, perhaps, at the time, serving aboard a merchant vessel; and the circumstance of his being deprived of the right to choose the nature of his employment. But this was an evil which, as it formed the basis of the system, he feared it was impossible to get rid of. Another evil was, that the seamen who, at the breaking out of a war, happened not to be on board ships in the merchant service, were obliged to hide themselves, as if they had committed crimes and offences against the law, for the purpose of avoiding impressment. It was melancholy to reflect, that a class of men, on whom our greatness as a country chiefly depended, should be placed in as great difficulties as criminals, and be obliged to conceal themselves in the best manner they could. Again, our seamen aboard ships having been compelled to serve, were obliged to be watched, in order to be retained in the service into which they had been forced to enter. They seldom or ever could obtain leave of absence, and at times, during the late war, the indulgence was prohibited altogether: it being, doubtless, apprehended, that if the men received leave of absence, they would desert. If a boat came ashore it was necessary to watch the sailors lest they should abscond. These evils might be removed, in a considerable degree. Where the merchant service received so great a degree of protection from the royal navy, no doubt the state had a right to claim the services of the seamen engaged on board trading vessels, when it became necessary. But he proposed that the circumstance of a seaman serving for a certain number of years on board a king's ship, should exempt him ever after from impressment. He would not say how many years' service should confer the exemption; that would be matter for after consideration. The adoption of a practice such as this would, in all probability, induce men to enrol themselves as volunteers in the royal navy. If this were once done, the mode of treatment of sailors aboard king's ships was so much better, and the degree of comfort which they enjoyed there was so much greater, than in merchant vessels, that there would be little difficulty in procuring a sufficient number of seamen for the public service. He hoped by these means that at the beginning of a war there would be no necessity for impressment; at least, no necessity for putting it in practice to any thing like the present extent; and that, in the progress of the war, there would be little or no occasion for resorting to compulsory service. Concealment, too, on the part of seamen would be unnecessary. He wished to throw these hints out for future consideration.

Sir *G. Cockburn* said, he should be glad to induce men to enter into the navy voluntarily, instead of compelling them to serve. At the same time, he agreed with the noble lord, that we could not give up our power of impressment without endangering the naval superiority of the country. He admitted that it was our duty to restrict the exercise of the power within as narrow limits as possible, and that the necessity of resorting to impressment should always be made apparent whenever it was practised. The House had done much to mitigate the evils complained of in the navy in the course of the last war. By giving pensions to the men, the practice of desertion was greatly diminished, and the present situation of the navy was such, and the facility of obtaining sailors so great, that the Admiralty had been obliged to issue strict orders, restraining the officers in all the ports from taking men from the merchant service. Although this was the present condition of things, he feared insuperable difficulties stood in the way of the noble lord's proposal, and that the system on which he proposed to act was impracticable. However, every attention would be paid by the Admiralty to that, or to any other suggestion that had for its object to lessen the necessity for impressment.

Mr. *Sykes* said, that in the course of the last war, he had witnessed scenes of horror arising out of impressment, to get rid of a repetition of which no exertion ought to be wanting. During the whole of the war he had seen the port of Hull disturbed by broils and contests, brought on by the state of the law as it regarded compulsory service. Men who had gone long voyages, and had just come home to enjoy the society of their friends and families, were put on board king's ships, and kept afloat six or seven years. To avoid so terrible an infliction, men would go to all extremities. He remembered an instance of some men, who, having picked up a little of the Prussian language, all swore they were Prussians, with a view to escape. It was a shocking state of things under which men could be so seized and torn from their families for years. Arbitrary punishment was another great evil in the navy; and the consequence was, to occasion among seamen a dislike to the service. If any plan could be devised to induce seamen voluntarily to enter the service, it would be exceedingly desirable to adopt it. What he complained of was, that no other mode than that of impressment had yet been tried.

Sir *J. Yorke* said, the noble lord had chosen a singular time for introducing the subject. It would have been much better if he had asked for a select committee. Whenever such a committee should be called for, to examine the knotty question of compulsory service, he would be one of the first to recommend investigation, with a view to improvement; for he was satisfied that many modes might be devised to mitigate or do away with a vast deal of the horrors which had been so forcibly described.

Mr. *Maberly* spoke of the length of time the discussion of the estimates had been deferred. The whole of them, it was agreed, should be submitted to the finance committee, under the expectation that it would have been able to examine and report upon the subject this year. The House, however, was now given to understand, that the committee had not gone fully into the evidence connected with the estimates. But the committee, though unable to make a report, was in possession of a great deal of information, which would, in all probability, prevent its members from voting for the estimates, as now proposed by ministers, for the adoption of the House. Thus, the members of the finance committee were in possession of information not calculated to induce them to approve of these estimates, while the House was shut out from the information referred to. It must be allowed, that there was a great deal of difficulty in the situation of the House in this respect, yet it was called on to exercise that judgment which it would have had to exercise if no finance committee had ever sat. Again, the committee must deal with our existing establishments, and report upon them as if the country was in a perfect state of peace, for the committee had not, and ought not to have, any political information upon the subject of peace or war; therefore the House would also have to judge of the estimates with respect to the present state of the country, and without reference to future contingencies. But the difficulty which the House must feel in dealing with the estimates consisted in this circumstance—that the chancellor of the Exchequer had not stated in what state the country really was. The House had received no information on the subject, and yet it was called on to vote a grant for thirty thousand seamen. We were without the slightest information as to the state and temper of other European powers: we only knew that something like war had taken place, yet we could hardly pronounce the affair at Navarin the commencement of hostilities. We had a large force in the Mediterranean,—yet no statement was offered to enable the House to judge of the propriety of concurring in the votes about to be proposed. Ministers, before calling upon us to vote away twenty millions for the support of our establishments, ought to say, whether the country was in a state approximating to war, or in a condition of profound peace. Before a single seaman was voted, they ought to state what was the situation of the other powers of Europe. Under all circumstances, it was for the House to deal with the subject exactly as if the finance committee were not sitting.

Mr. *Calcraft* declared it to be his fixed opinion, that impressment was necessary in the navy, under existing circumstances. The state had a right to command the services of its subjects in its defence. The navy was our principal defence, and must be supported by compulsory service until a substitute could be found. The principle of compulsory service was also recognised in our militia system. From what he could collect, the naval service was now infinitely more popular among seamen than formerly, in consequence of the wants and comforts of the men being attended to, and great improvements having taken place in the whole system. The hon. gentleman proceeded to argue, that we were not at war. The occurrence at Navarin could not be denominated war. We were at peace, though not, perhaps, in a profound peace. He was surprised that the finance committee had not made a report on the subject of the estimates. It had now sat three months, and the only report that had been obtained from it was that respecting annuities. He therefore thought that the committee proceeded rather tardily in its labours, and that the House had a right to expect information, which, he was sorry to say, had not been afforded. His hon. friend, who preceded him, was in possession of information obtained as a member of the finance committee, and could, therefore, discuss the estimates with additional advantages.

However, he was ready, without the advantage of his hon. friend's information, to take the estimates into consideration. He did think them calculated on too large a scale, or that the number of seamen proposed was too great, and he should therefore support the vote, except he heard something to convince him that he ought not to do so.

Sir *H. Parnell* defended the finance committee from the charge of the want of due diligence or discretion in the course of its labours. It had had already forty-seven sittings; thirty-eight witnesses had been examined: it had ordered the production of three hundred and thirty-seven accounts, and two thousand sheets of letter-press, the results of its investigations were already actually printed. He thought, therefore, there had been no lack of diligence. On the subject of discretion, with respect to the course it was prepared to follow, no blame attached to the committee. It had acted upon the principle, that no report should be made to the House until it was in possession of every thing which could enable it to report with accuracy upon the important subjects submitted to its consideration. The committee was well aware of the wish of the House for a report from it on the public estimates; and it had already gone through those of the army, navy, and ordnance, in a general way. In attempting to prepare reports upon these branches of public expenditure, the committee found that its inquiries went to such an extent, as to render it impossible to make any thing like a perfect report. Had it originally taken up one branch the result might have been different. However, as the case stood, it appeared that public business would have been greatly delayed, if the right hon. gentleman had been compelled to wait for the committee's report; and, accordingly, the present course was resorted to as the best that could be adopted.

Sir *M. W. Ridley* said, that the hon. baronet had completely justified the committee from the charges of negligence and inefficiency. With respect to the subject of impressment he was sure that a disposition existed to remedy as far as possible the evils to which it gave rise, but he was completely satisfied that it was a power that never ought to be relinquished.

Sir *J. Newport* said, that on sitting days the finance committee had seldom or never less than twenty members present, who commenced their sitting by five minutes after twelve, and continued in deliberation until the House met. It was impossible for any committee more diligently to discharge its duties.

Mr. *Hume* said, it was impossible for one committee to do the duty devolved upon this. When he stated to the House that the committee had as yet only taken up three branches of the public service out of twenty that ought to come before them, and that it had not yet got half through these, it would be perceived that hon. members must exercise their patience. He had before stated that several committees would be necessary to perform the duties devolved upon one. The hon. member for Wareham had as good a chance for obtaining information as the finance committee, for they had as yet only had before them official men, who, without attempting to convey any personal imputation on their honesty, were, generally speaking, disposed to defend the establishments with which they were connected. In consequence of this, the committee had only succeeded in obtaining general information. Under all the circumstances, he thought the House must regret that so much time had been suffered to pass without taking the estimates into consideration. As far as he knew at present, there was no intention on the part of government, to reduce a single pound of the expense of any one of the estimates. If we went on as we did last year, we should be unable to pay our expenditure, without having a loan from the Bank. There was not an amount of income sufficient to defray the expense of the estimates then on the table; and he should, therefore, oppose them as long as they continued on their present scale. He called on the ministers of the Crown to say what reduction they contemplated on the whole of the estimates; and he did this because he was aware it rested with the minister, and not with the finance committee, to reduce them. The committee calculated upon what was necessary in a state of peace. And he was ready to say, that if we were in a state of peace? We only required the same number of seamen as we had in 1793. Why ask for thirty-thousand seamen if we were in a state of peace? The ministers ought to declare in what condition the country really was, as it regarded our foreign relations, and it would then be seen whether we could spare a single man.

Mr. *V. Fitzgerald* said, that the hon. member for Montrose had stated, that it was impossible for the finance committee to diminish the amount of the estimates, and he had added, that the right of determining that point rested with his majesty's government. Now, he must say, the decision upon this subject rested neither with the finance committee, nor with his majesty's government, but with parliament. There was no wish on the part of the government to throw any difficulty in the way of inquiry, or to prevent the examination of any person able to give information. The hon. member had stated his main principle to be, that the naval service required no more men now than was required in 1792. Now, without considering that the naval powers of other countries had grown up and assumed an important aspect, he would leave the House to consider, whether the principles of the hon. member were just or not. He believed, that the best course the finance committee could have taken was to recommend this grant to be received by the House, without making any report, which at present they were not prepared to make.

Mr. *Wilmot Horton* said, that, as he was a member of the finance committee, he would say a few words on the present subject. The hon. member for Aberdeen had told them, that the House and the public would be greatly disappointed by the report of that committee. On that assertion he would merely observe that, if the country was disappointed, it would be owing to the exertions of the hon. member himself and others, who had systematically deceived it on all matters of this nature. The hon. member had told them that great reductions ought to be made, he believed to the extent of seven or eight millions. Now, in examining the truth of such a position, he should have no occasion, in the course of his remarks, to bring any principle into dispute, for no difference could exist as to the propriety of remedying abuses, when they were once detected, or reducing the establishments as low as was compatible with the interests of the country. The difference existing amongst them was a difference as to the degree of reduction. The House would certainly be disappointed if it expected that the committee, keeping faith with the national creditor and pensioner, should recommend them to cut away 7,000,000*l.* from the 14,000,000*l.* which it annually voted, in support of the different establishments. He would say, speaking practically, that no such retrenchment could be made, and that the finance committee had never entertained any proposition to such an effect. The principle for which the hon. member for Aberdeen contended was not whether we should support establishments necessary to the public service, but that, though the establishments were necessary for the public service, yet, if the finances were not in a flourishing condition, those establishments should be cut down to a level with the finances. Now, he would contend, that no establishment ought to be maintained which was not necessary to the public service, but that if an establishment was necessary, it should not be done away with because the state of the finances happened, for the time, to be unprosperous. As to the state of our finances, he thought the hon. members opposite had not a right to allude to it, as it had never yet been placed before the finance committee, nor subjected to their investigation. He protested against the principle that we were bound to reduce our establishments to the level of our revenue. He thought, that we were bound to reduce our establishments to the level of the public service and, by so doing, to reduce the expenditure by which they were maintained; but he conceived it to be unworthy of a great nation to reduce its necessary establishments, on account of the pressure on its resources in any one particular year. The hon. member for Aberdeen had told the House, that the finance committee had merely looked at the expenses of the different establishments belonging to the different departments. He thought that, when the House saw the nature of the investigation which it had instituted into the Ordnance department, it would be of opinion, that instead of merely looking at it, it had actually picked it as clean as could be; and that, if an analytical examination of the details of that department formed one of the duties of the finance committee, it had faithfully performed it. He did not intend to quarrel with the terms in which hon. members had spoken of the finance committee, though he did not like to hear that committee spoken of as if its labours would not tend to the public benefit. When the report of that committee should be printed, if the evidence were printed along with it, the House would have abundant proof of their anxiety to discharge the task which had been imposed upon it, faithfully to the House and honourably to themselves. With regard to the estimates of the year, it appeared to him a wise and expedient course to proceed forthwith to their consideration. There was no *prima facie* case made out for their reduction, and therefore no harm could be done by confirming them in their present state for another year.

Mr. *Baring* said, that he too must claim the attention of the House for a few minutes, as he also was a member of the finance committee. He was sorry to say, that there had been greater irritation among the members of the finance committee in the course of the discussion of that evening, than had ever been felt among them during all its former sittings. He would say, that in the whole course of his parliamentary experience, he had never known any committee appointed to examine into an important subject in which greater harmony and good feeling had prevailed, than had all along prevailed in this committee; and he believed that there would be a general admission by individuals of all parties, that nothing could be more fair than the examination of the witnesses which had been brought before it. He differed entirely from the views which had been taken of the labours of the finance committee by the member for Aberdeen, and by his right hon. friend, the member for Newcastle. Both of them had spoken as if little was to be expected from the labours of the committee. The impression on his own mind was very different. He anticipated a considerable result from its labours; not, indeed, in any great reduction of the naval estimates, but of the expenses of the other departments. He had already seen enough in the finance committee to be convinced, that there was a great deal in them, all which required regulation, and which, when judiciously regulated, would be productive of a considerable saving to the country. His impression was, that it would, before it concluded its sittings, confer considerable benefit upon the community. This was one of the few committees of finance which had been conducted upon fair principles; and in which some person had not been employed on behalf of the ministry of the day to throw out some plan for the consideration of the committee, to which it was expected the majority of members should ultimately agree. In the present case nothing could be fairer than the spirit in which all questions had been put and agreed to by the committee; and he was really of opinion, that any fair and rational proposal for reduction—he did not mean any of those extravagant notions in which the member for Aberdeen sometimes indulged—would have prevailed against all the influence of government, supposing it to have been inclined to exercise any.

Colonel *Davies* complained that, though the finance committee was appointed to inquire into the state of the army, the navy, and the ordnance, departments, not a single naval or military officer had been appointed a member of it. The consequence was, that, from its want of professional knowledge it could not conduct its inquiries as well as it ought to do. He censured the right hon. member for Newcastle for the manner in which he had taunted the member for Aberdeen, on account of what he chose to style his extravagant notions of economy. He was one of those who approved of those notions, and, though he did not think that a reduction could be made to the amount of 7,000,000*l.* or 8,000,000*l.*, he thought that a very considerable reduction could be made, without at all diminishing the efficacy of the public service.

Mr. *John Wood* said, he had heard with considerable surprise the statement which had been made by the right hon. member for Newcastle. He had said, that hon. members had no right to allude to the finance for the year, as the statement of it had not yet been laid on the table of the House. It was of that very point that he rose to complain. In his mind, a financial statement the House ought, as a matter of necessity, to have, now that it was going to vote the different estimates; for surely, before they voted the establishments, they should know what amount of revenue they had to pay them with. He was not a member of the finance committee; but he understood that a statement of the finances of the country had been laid before it; and, if his information was correct, there was an actual deficiency of 127,000*l.* for the year 1827, independent of the 5,000,000*l.* employed in the sinking-fund. Then he begged to know how the 5,000,000*l.* for the sinking-fund were raised? The 127,000*l.* was of course borrowed from the

Bank; 4,000,000*l.* and odd were received from the Bank on account of the dead-weight, and the remaining sum was raised by an issue of Exchequer-bills, and by other means of a similar description. In the year 1828, the calculation was, that, as regarded the sinking-fund, there would be a deficiency of 3,386,000*l.*, supposing the revenue and the expenditure to balance each other, and the sum due from the Bank on account of the dead-weight to be paid in. We should then have to raise 1,970,000*l.* to make good the sum destined for the sinking-fund; and how should we raise it? By borrowing it of any person who would be fool enough to lend us it. In 1829, the bargain with the Bank on account of the dead-weight would be at an end, and we should have nothing to receive on that score. That bargain had been pregnant with ruin to the country: it had been denounced at the time it was made, by those who were competent judges, to be one of the most improvident bargains that ever country entered into. Under such circumstances, was it not incumbent upon them to consider whether they could not reduce their establishments to a level with their revenue? All the anticipations which he had stated to the House were formed upon the supposition that the country would remain at peace. What, however, would be the case, supposing we were compelled to go to war? If we were obliged to borrow money in time of peace to support our establishments, what provision could we make for ourselves in case we were assailed with that calamity?

Lord *Howick* said, the public had some right to be disappointed as to the result of the labours of the committee; but it was the House, and not the committee, who were to blame, the House having put too much upon the committee. The committee ought to carry on its labours without reference to political circumstances. They must, then, consider what the circumstances of the country required. How was it possible to go into a detail of so many subjects in a short time? As to the navy, for instance, the committee must inquire into the best possible means to be adopted for diminishing the expense of ship-building. On this point they must examine scientific men; and this was only a small branch of the subject. The committee should have confined their attention to the actual state of the country. He could not agree with the right hon. gentleman, that certain establishments should be kept up in any state of the finances. The committee ought to inquire what was the amount of the national income, and the expenditure should then be made to meet it. In fact, the House had been wrong in voting the estimates for six months, without any knowledge of the means of meeting these estimates.

Mr. *Herries* said, he would not have risen but for the broad proposition stated by the noble lord who had just resumed his seat. From that proposition he most positively dissented. It amounted, in fact, to this, that not one farthing ought to exist in the shape of public revenue, unless its existence had been previously justified by a proof of its absolute necessity. He could not conceive how any man who looked at the origin of revenue in England, could say it was necessary that we should know the amount of our income before we proceeded to dispose of it in our expenditure. He said boldly, that the manner in which all supplies in that House were voted proved distinctly that the principle on which they were voted was, that all that was possible should be saved to the country. If he was right in that statement, then the whole speech of the noble lord must be founded in error. He agreed with the hon. member for Callington, that, if the House were to judge of the good understanding and harmony of the finance committee from the specimen which they had seen of it that night, it would form a very wrong opinion on the subject. Among the members of the committee who had spoken, there were some who had spoken, as it appeared to him, with more warmth than the occasion required. In none of the committees, at which he had been present, had he ever seen so much cordiality, and so strong a disposition to arrive at the wisest conclusions, as he had seen in the finance committee. It therefore surprised him extremely to hear, from the hon. member for Montrose, so severe an attack upon the committee. It surprised him extremely to hear an hon. member get up in his place and desire them to throw away all hope of good from a committee so discharging its numerous duties. He was surprised to hear the hon. member say, that the committee had regularly taken that evidence which was least sufficient for its own purposes. If that charge were true, then had the finance committee failed most lamentably in its duty; and, what was more to the present point, the hon. member for Aberdeen had failed infinitely far more lamentably than any other member of the committee: for he, having the idea that other members called evidence that was insufficient, should have moved the committee to call for evidence that was more satisfactory. They had heard a garbled statement of the financial condition of the country read to them by the hon. member for Preston—a statement of which he would venture to say that all its results and conclusions were erroneous. He would maintain, when the proper occasion arrived, that the paper which the hon. member for Preston had read could not be called a view of our financial difficulties. He could assure the hon. member, that, whoever had furnished him with that document, was either grossly ignorant or strangely mistaken as to its proper import.

Mr. *Maberly* said, that the statement which the hon. member for Preston had read was given to that hon. member by himself, and he would vouch for its correctness.

Mr. *Wood* denied, that he was capable of garbling any extract.

Mr. *Herries* assured the hon. member he meant no personal imputation by the use of the word garbled.

Mr. *Maurice Fitzgerald* agreed with the noble lord, that on going into the committee they ought to be guided by one principle; namely, the means of meeting the expenditure; but he did not agree with the noble lord, that no vote ought to be granted until a necessity for the grant was shewn actually to exist. Such a principle could not be reduced into practice. If the Crown should think it necessary, for the support of the public honour, to go to war to-morrow, the question would not be whether there was enough in the Treasury for the war, but how best to supply the means of supporting what the Crown had determined on. It was not the principle of the constitution, or the practice of the country, to suppose that any means preexisted. He expressed his anticipations of much benefit resulting from the finance committee. The hon. member for Aberdeen supposed a vast saving could be effected. He disbelieved this; but he thought that, if they assented to the appointment of a committee, they should allow no appeals from it to that House; at least until its report was laid before them. Nothing had been publicly heard upon the subject until that evening; and now, for the first time, two members of the committee were found in violent conflict on the sum of eight millions of the public money. It was certainly not a very convenient mode of doing business, for a committee to be sitting up stairs on the whole question, and then to call upon the House, without any report, to decide difficult points, on partial grounds. If so, the better mode would be to put an end at once to the select body, and to let the whole subject be discussed and inquired into by the House at large. No doubt, the appointment of the committee had shortened the sittings; and he had expected, that when once the hon. member for Aberdeen was upon it, there would, for a time at least, have been an end of his speeches upon public expenditure. He had another feeling regarding the committee, and it was this—that it had been meddling with matters which he should be sorry to see in their hands. He had no objection that they should inquire into all the details of the revenue; but surely they were not likely to throw much light on the general policy of the country. The government might very reasonably not be unwilling thus to shift the responsibility and perhaps the members of the finance committee deemed themselves very competent on all points; but he, for one, must say, that he should no more think of leaving to their decision questions of general or colonial policy, connected with the army, the navy, the ordnance, &c. than he should be willing to intrust it to my Uncle Toby or Corporal Trim. Those two very respectable and amusing personages might be excellent judges of fortification, but as incompetent, though not more so, to other matters, than any of the members of the finance committee. If he were called upon to point out one body worse qualified than another for such wise inquiries, he should at once direct attention to the committee of finance. The members of it were chosen for financial inquirers, for inquisitors, and ferrets into various sources of expenditure; but the very narrowness of their observations disqualified them from viewing correctly a wider range of objects. The committee was named to effect a saving of pounds shillings and pence? and if, instead of pursuing this practical and useful purpose, it directed its attention to extraneous topics, the country would be grievously disappointed. He feared that there was no greater delusion than to represent that that body would effect any thing extensively useful. He knew nothing, indeed, but what he had heard, like every body else, in the streets; but he had asked the question, whether it was likely that the committee would accomplish a saving to the extent of five millions? That sum would be little enough; and as it was less than the country had a right to look for, a very trifling impression would be produced by it; but when he found that the retrenchment to be effected would not exceed a million and a half or two millions, people at large would not give the members any great credit for their exertions, or think that their appointment had been attended with corresponding advantage. He did not object to the original appointment of the committee; but if it was to be troubling itself with subjects that did not belong to it, he feared it might be converted into a dangerous instead of a useful instrument. He understood they had extended their inquiries to the Ordnance department; and this again brought him to the question, why was that to be accomplished through the medium of a committee which ought to be done on the responsibility of the different departments? The noble duke now at the head of the government was formerly at the head of the Ordnance, and it was said he had completed all practicable reductions. If, then, the committee went beyond the point to which he had proceeded, the probability was, that it would only do mischief by its interference. It seemed to him, that the members of it were ignorant upon all those points on which they ought to be informed. He could say of such of his friends as were upon the committee, that they were competent to the ordinary purposes for which members of parliament were intended, but it was extremely dangerous to allow them to go beyond their tether, and to touch great subjects, for the management and investigation of which they were never intended, either by nature or education. He had heard that ministers had been defeated in the committee; and perhaps they had been no parties to this intrusion into their peculiar province. Unless the members of the committee sat for years, examined all persons who could give them information, and, in fact, went through a complete re-education, to qualify them for the task, the result must, at best, be delusive, and might be perilous. Concurring entirely in the principle, that the House was bound to consider the means of making good the estimates, before it resolved itself into a committee, he thought the warning of the hon. member a little ill-timed. The House was not to be converted into a court of appeal from the finance committee, without due notice, and without any of the information that had been laid before the select body.

Mr. *Fyshe Palmer* said, the information of the right hon. gentleman was not altogether correct. As an humble member of the committee, he was able to state, that that body did not think great national questions within its province. The subject of colonial policy, for instance, had been placed entirely out of view on that account; and it had been determined that it belonged to the executive government.

Mr. Alderman *Waithman* expressed his conviction, in accordance with his previous sentiments, that neither the House nor the country would trouble itself much about the labours of the finance committee. He had much confidence in the exertions of the individual members; but he maintained that, however proper it might be to appoint a finance committee, it ought not to supersede the functions of the government, and that the discussions on the estimates ought not to be postponed. He looked at that appointment chiefly as an expedient for getting over the session, and not with any expectation that its labours would produce any effect on the estimates. Late as it was in the session, it was still the duty of the House minutely to investigate every thing relating to the expenditure of the country, more especially under the admission, that in the last year the receipts had fallen short of the expenditure. Whether the finance committee had travelled out of its proper course, was not a question for the House at present to consider; but whatever had been done by the select body, it was the duty of ministers to come forward with some proposition to meet the exigencies of the country, by making a most material reduction. The first point was, to consider what the country could afford, and not what it wanted. In 1817 lord Castlereagh had stated the amount of the army and navy he considered necessary; and what had happened since that year, to warrant an increase of eighteen thousand or nineteen thousand men in the former, and a proportionate augmentation in the latter? The country was as much at peace now as then; and, although at this moment, many parts of it were severely suffering, they were all quiet. Hence, it was not necessary to keep an army on foot to overawe the inhabitants. But, in 1817, when the military force was so much less, the House was employed in devising schemes to keep the people down, by passing various acts destructive of their rights and liberties. It was very easy for hon. gentlemen to turn round and ask, "will you not support the honour and dignity of the nation?" and it was just as easy to answer, that that honour and dignity would be best consulted by securing the affections of the people.

The House then went into the committee of supply.

Sir *George Clerk* rose for the purpose of detailing the estimates for the naval service in the present year. It would be recollected, that in the early part of the session, only half the sum to be required had been voted, under the expectation that the finance committee would soon make its report, regulating the expenditure of the different departments. The labours of that body having been unusually extended, it had become necessary to call for the remainder of the money; and it was proposed only to take the balance of the estimates, as originally laid upon the table. Hence he should secure the acquiescence of the hon. member for Wareham, who had said, that he should not object to vote the sum remaining due upon the estimates some months since laid upon the table. The number of seamen and marines was thirty thousand; and he was sure that no man who had turned his attention to the subject would wish that number to be reduced. Although the nation was at peace with all the world, its commerce was spread to every corner of it. In many parts of the globe serious disturbances prevailed, and a large naval force was therefore necessary for the protection of our trade, independent of the depredations to which it had been exposed in the Levant and in the West Indies. It was unnecessary for him to say more upon this point, because not a single member had stated that he thought the number too great, excepting the hon. member for Montrose; who, as usual, had nsisted upon the naval establishment of 1792. When the hon. alderman (Waithman) expressed his surprise at the addition to the naval force since 1817, he seemed to have forgotten the extent to which piracy had been carried, and that a complaint had actually been made in this House against the Admiralty, for not keeping an adequate force in the West Indies. In the East of Europe, and for the same cause, it had also been necessary to keep an additional number of ships of war; and the extensive markets opened to our commerce in South America also required protection. Although it was true that the amount of force was the same as last year, the estimate of expense had been reduced 130,000*l.* which reduction had a certain bearing on all the establishments. Nothing but the most rigid economy could make the money voted equal to the purpose for which it was intended. The principal saving had been made in the Dockyards, by lessening the wages for the labour of artificers, and the amount of stores. On these heads a saving of 150,000*l.* had been effected; but on the other hand, there had been a slight increase in the department of transports, which lessened the actual saving to 130,000*l.* A larger number of transports than usual had been required for the conveyance of convicts to New South Wales. Some very extensive works were still in progress, connected with our naval establishment; and, with any regard to the interests of the country, they could not be entirely suspended. The smallest possible sum had, however, been taken for them. He would now move the first Resolution, "That thirty-thousand men be granted for the sea-service for seven lunar months, including nine thousand royal marines."

Sir *H. Parnell* said, that when he last spoke, it was in his capacity of Chairman of the Committee of Finance: he now appeared in his own character—that of an individual member of parliament. He felt no disposition, under the circumstances, to resist the vote; but if it was proposed as the final peace establishment he should decidedly object to it. He did not think that any correct standard could be arrived at by referring back to former periods of undisturbed tranquillity. There was one part of the service in which he was of opinion that a reduction might properly be made. The committee of finance had taken into consideration the expediency of continuing the coast blockade, and, from the evidence taken, he, for one, had arrived at the conclusion that it might be dispensed with. The object of preventing smuggling, it had been shewn, was sufficiently secured by the preventive service, and by the other existing arrangement; and as two thousand seven hundred men were employed on the coast blockade, he should propose an amendment to effect a reduction to that extent. These men were quite independent of any consideration of the defence of the country and its trade. As to the reduction of 130,000*l.* in the estimates of the present year, there was no reason for placing much reliance on the continuance of that reduction. It had been accomplished, in a great degree, by lessening the purchase of stores; the deficiency in which must necessarily be made good at some future period. So far the reduction was not substantial and *bona fide;* and even the saving of 130,000*l.* could not be calculated upon for next year. The reasons for the increase in the transport service had not been stated, and there were great objections to the manner in which the navy board provided transports. Whenever stores were to be sent abroad, instead of going into the market and hiring transports, they employed their own, which were made part of the establishment, and cost the country a much larger sum than it ought to do. To put an end to the coast blockade, he would move, that the vote be reduced from thirty thousand to twenty-eight thousand men.

Sir *J. Yorke* congratulated the House and the government, that the chairman of the finance committee had been able to do no more than suggest a reduction of two thousand seamen. It was well understood that the coast blockade was, as it were, the dépôt of the Admiralty, from which, on an emergency, it could be furnished instantly with men for three or four vessels if needed; and for this reason he should vote against the amendment. He was rather surprised to find that no report had been made upon the subject of the experimental squadrons, which had been built and sent out in order to try the respective merits of particular modes of construction. The scientific individuals who were engaged in building the vessels had themselves commanded them; or, in the language of the turf, they had jockied their own horses. No expense was spared; various alterations were made in the placing of the masts, and in the size of the sails, in order that the experiment might end satisfactorily; and he hoped that the principal adviser of the lord high Admiral, would give the House a history of the trials, and of their results. There was another subject on which the naval service had some right to demand information at the hands of the right hon. gentleman. He alluded to an order for regulating promotion in the navy, signed by the revered name of John Wilson Croker. By this order it was provided, that post-captains, approved by the lord high Admiral, should be deemed entitled to promotion as flag-officers of the fleet, provided they had commanded one or more rated ships of the line four years during war, six years during peace, or five years during a period partly of war, and partly of peace. Now by this order, it appeared, as if the whole character of the service was considered to depend on a certain number of years of command. It did appear to him extraordinary, that the lord high Admiral's council should have established such a criterion of merit. By means of this order, they might keep back any officer they pleased to exclude from promotion. There was no chance for a captain, without great interest, ever succeeding to the command of a ship of the line. There were eight hundred captains in the service, and but fifty ships by serving in which they could obtain this indispensable qualification for promotion. Was it not plain, then, that it was impossible for the great majority of the captains on the list to qualify, unless fourteen or fifteen captains were appointed to each ship? It was evident that, under such an arrangement, the majority of the captains on the list must wait in vain for promotion. The present orders were ten times more severe in this respect than the old ones. He trusted that some amendment of this portion of them would be effected by his hon. and gallant friend near him. He knew a captain of the standing of 1801, who had but five months to run before he qualified; and yet he had no chance of getting a ship, The truth was, that out of eight hundred captains, only about two hundred could be eligible for promotion, according to the existing arrangements. He conceived that the present estimates had been brought forward upon a very moderate principle, under the present aspect of affairs.

Sir *George Cockburn* said, that the hon. baronet (sir H. Parnell) and other gentlemen of the finance committee, had stated the partial evidence taken before them on this occasion, as the ground of their motions. Now, he objected to this course as unfair. If any member of that committee would state, that the majority of the committee were agreed on any one point, he would bow to their decision, however he might differ from it. But having convinced a large portion of the committee when he gave evidence before it, that the view he presumed to take was correct, he felt himself awkwardly situated in answering the hon. baronet on a subject, as to which nobody in that House knew anything but himself and the other members of the finance committee. He knew not what his hon. friends on his right and left had been saying in their evidence. The hon. baronet brought it down with him to the House; but he (sir G. C.) was not permitted to see it. He was not afraid of any evidence that might have been given, as he had told the committee what he honestly thought; but he appealed to the House whether he was not placed in an unfair position with respect to what he had said in his evidence months ago? The hon. baronet came down with portions of evidence in his hand, for his particular purpose. Why not bring up a report from the committee? The hon. baronet stated, that he had proof that two thousand seamen were employed in the coast blockade, whose duty might be better performed by the preventive service and the Custom-house officers. There could be no doubt, as he had said before the committee, that smuggling might be kept down by the Custom-house officers and the men of the preventive service, somewhat cheaper than the duty was now performed. But he had told the committee, that he considered that force of vital importance, and that it had preserved us from great charges in fitting out two or three armaments. The coast blockade did essential service in the protection of the revenue, and would be found a great saving instead of a loss. He regarded it as a sort of sinking-fund for the navy, which enabled us to remain quiet, and watch passing events. The hon. baronet said, the finance committee had evidence which proved that the reduction in the wages of the artificers was fallacious, because it had not been adhered to. Now, he denied that statement. The fact was, the condition of the fleet was so complete, that we had more workmen than were necessary to keep the vessels in their proper state. The question then was, whether they should reduce the number of the shipwrights who had served the country so long or keep them in employment on reduced wages? It was decided to reduce them one day a week. He would not stop to argue whether this was a wise or unwise measure; but by reducing the time they worked, government did not use so many stores, nor lay out so much in payment of wages to the workmen. He would now answer the questions put to him by his gallant friend (sir J. Yorke). First, as to the experimental squadron; it was most true that we had taken considerable pains in endeavouring to improve the model and principle of our shipping; and he was happy to state, that our efforts to build ships of a different construction had been attended with the most beneficial results. Formerly, sloops of war used to be beaten in sailing by our frigates. Now it was otherwise. He was not prepared to say whose principle was the best; because the vessels, in their trials of skill, had such different advantages; but he pledged himself that, on the whole, there was an immense improvement. All the new sloops beat the frigates on the old construction; and they were the best ships on the stations to which they had been sent out. He was not able to assign any particular reason, why a report on this subject had not been brought down to this House. If his gallant friend wished for a report, he might have it; but it would be something novel to make a report of the proceedings of an experimental squadron. But he had not the slightest difficulty in stating, that the success of the experiment was decided. Nor was it wantonly made; nor had the country been put to any expense by it. These ships were wanted; and they must have been built on the old plan, if this experiment had not been successfully made. Now, with respect to the order for regulating the promotion of flag officers. It was the original practice of the Navy Board to select such captains to be appointed admirals as the Admiralty pleased. While that rule existed, his gallant friend was promoted; and the Admiralty was not then in such bad odour with him as it was at present. About the year 1745, a certain degree of dissatisfaction was shewn, in consequence of some officers, who had served gallantly in the preceding Spanish war, being passed over in the promotion that followed, and younger officers being made flag officers over their heads, under whom they were obliged still to serve as captains.

In consequence of a remonstrance from these officers, an order was passed by the King in Council, by which it was declared, that all officers who had served gallantly against the enemy in that particular war should not be passed over, but should be made yellow admirals. This continued to be the law for thirty years, by which time there was nobody left alive who had served during that war. Then a second order in council was issued, which extended to any officer who had served well, during any war preceding his promotion. So the law stood, up to the other day; and on it the Admiralty had acted during the last forty years. In lord Howe's time, some discussions took place respecting the cases of some officers who had been passed over; and ever since that period the Admiralty, as a boon to the service, held these officers not only entitled to the yellow flag, but to be made active officers, if they had served in any way during the preceding war. From this time, only those who had not been in active service had the yellow flag. Under this regulation sometimes very extraordinary hardships were inflicted. In a recent promotion there were instances in which officers, who had served a week or ten days in the preceding war, were promoted to active flags, though absolutely bedridden; while other officers, who had served in rated line of battle ships in action, not having had the command of one during the last war, were passed over, in favour of the man who had hoisted his pennant for a week.—Another evil attended the principle of this order in council, the words of which applied only to commands "in the next preceding war." When this country went to war, for six months, with Algiers, that event excluded every body from promotion, but the officers who were employed during those six months. Indeed the order was altogether so open to objection, that it could not be acted on. It was, therefore, thought proper to alter it. The good principle on which all these regulations were founded was, that no man could be deemed fit and capable to command a fleet who had not previously commanded a line of battle ship for some time during the war. What was done was with a view to ameliorate the rule of promotion, by placing it on the most fair and reasonable principle. In every rank, a certain service was deemed requisite to entitle the officers to ascend to a higher station. It was hardly to be expected that a post captain, who had remained at his country-house, and taken no share in the toils and perils of war, should be promoted to a flag which he would only bring into difficulty and disgrace. It was considered by the lord high admiral in council, which would be the best course to pursue; and it was finally decided, that the person who had commanded a ship of the line for four years in war, six years in peace, or five years in war and peace together, should be entitled to a flag. Whether the term was too much or too little, the principle was evidently fair and reasonable. With respect to the officers to whose cases some allusion had been made, the House was aware, that though the peace of Amiens was signed, the fleet was never completely paid off; and the war came again so quickly on us, that it could scarcely be reckoned a *bona fide* peace. His gallant friend might remark, that the Admiralty, to which he then belonged, insisted that that peace was sufficient to exclude the officers from promotion, when the new war commenced. But when the case of these officers was considered before the lord high Admiral, it was thought too much that these gallant officers should be deprived, by the peace of Amiens, of what they were otherwise entitled to. His majesty, therefore, was graciously pleased to allow an order in council, that for this purpose the two wars should be considered as one. His gallant friend said, there were eight hundred captains on the list and that it would be impossible for the majority of them to find ships in which they could qualify under the existing orders; but his gallant friend should recollect, that above two-thirds on that list had already qualified. His gallant friend had spoken of an officer who wanted but five months of having qualified. He did not know who the individual was, but he was aware of a gallant officer in similar circumstances, and he had written to him, at the desire of the lord high Admiral, requesting to know whether he would prefer an active flag, or a captainship at Greenwich hospital. He preferred the latter, and was accordingly appointed to it.

Admiral *Evans* said, that as he was one of those officers whom the gallant admiral had called "yellow admirals," he must tell the House, that the yellow flag was formerly the signal for punishment in the navy, and that he considered the allusion entirely gratuitous on the part of the gallant admiral, Sir *G. Cockburn* begged his gallant friend's pardon. He did not anticipate that a familiar term like that would have given him offence.

Admiral *Evans* said, that as his gallant friend had disclaimed any reflection on him, he was satisfied. The reason that induced him to intrude upon the House, was his desire to vindicate his profession, He would say, that knowing the privations naval officers endured, and the anxious hours they passed, it was the duty of the House to save them from disappointment and injustice. The officer in the navy looked to a flag as the pinnacle of his ambition; but if, by patience and perseverance, he finally became a post captain, it was as much as he could ordinarily expect The gallant admiral had asked, what right the naval officer had to expect to be an admiral, because he might be on the post-list? He answered that he had every right. If there was nothing against his character, he had a right to look to a flag. Not one officer out of ten who entered the service, attained the rank of post-captain: yet, if he served with an unblemished character, he deserved all that the country could bestow on him. Under the present system, a man served for six years, and then, by interest, or excellent conduct, was made a lieutenant, and placed on half-pay. He thus became an annuitant on the public, a burthen to himself and to the country. Perhaps he was made a commander, and after serving a few years with credit and distinction, by special favour, good luck, or great merit, was appointed on the post-list. Then he was to be told by the gallant admiral, that he had no right to expect a flag. His royal highness, the lord high Admiral, he was convinced, had every inclination to consult the benefit of the service. He looked towards the exertions of his royal highness with the utmost confidence; and, in his opinion, the placing of that illustrious person at the head of the navy was one of the greatest boons that was ever conferred on that service. He hoped that in future the vacillating system of which he complained,—the system of issuing orders in council on one day and retracting them the next—would be effectually corrected.

Lord *Althorp* said, that his hon. friend who moved the present amendment had been unfairly alluded to, on account of his having referred to the evidence given before the finance committee. Now, he did not see how it was possible for his hon. friend to withhold the information he had derived from that source. Those who were members of that committee must, he contended, form their opinion on that information. They could not, otherwise, give their votes on this occasion. Undoubtedly their connexion with that committee gave to those who belonged to it more information on the subjects which came before it, than other members of that House possessed: but it should be recollected, when they were blamed for making use of the knowledge which they thus obtained, that on these occasions ministers generally had information in their possession when the House had none whatever. His hon. friend had proposed that a reduction of the number of men called for by the resolution should be made, the contemplated reduction being equal to the force now employed on the coast blockade service. According to the statement of the gallant officer, the coast blockade force ought to be maintained, for two considerations. They were to be viewed, not merely as a body of men necessary for the protection of the revenue, but as a corps of reserve, out of which the navy might be speedily recruited. Now, he was ready to consider the coast blockade with reference to both these points. It appeared to him, that the men employed on the coast blockade duty were under the direction of the Admiralty; whereas, the preventive service corps, who were especially intended for the protection of the revenue, were under the control of the board of Customs. The consequence was, that there must be some jealous feeling between the two services. He certainly should consider that the best course would be to put them both under the board of Customs. By [confining the whole to the preventive system, a number of men might be spared. The duty of the preventive service was to seize contraband goods, and to assist in carrying them on shore, which might be effected by a comparatively small number of men. Whereas, the stations of the coast blockade were so near each other, that a much larger force was required than would be necessary if the other system was adopted. He therefore thought it would be much better, if the whole force employed for the prevention of smuggling should be placed under the superintendance of the board of Customs.—He should now advert to the argument, that it was proper to keep up a corps of two thousand, seven hundred men, the number proposed to be reduced, as a reserve for recruiting the navy in case of necessity. Those men had certainly been called into service when a pressing necessity occurred; but naval officers generally asserted that there was not a worse school for officers than this service, which occasioned them to be constantly stationed on shore. They did not consider the coast blockade service as a fit school for rearing up skilful officers; neither did they look upon the men themselves to be so well disciplined as those who passed their time on shipboard. He thought, therefore, that this was not the best mode of creating an efficient body of seamen, and on these grounds he should support the amendment.

Mr. *Croker* said, the first objection made by the noble lord was, that the coast blockade and the preventive service being placed under different authorities, were likely to be mutually jealous of each other. This, however, was not the case. The two services were perfectly distinct, and never came in contact with one another. The coast blockade began on the coast of Kent, and extended down the river Thames, and part of the river Lea, to Chichester. Whether on the extreme point, where the services met, there might not be some collision, he could neither affirm nor deny; but even if there were, that did not constitute a reason for doing away with the coast blockade. Elsewhere, there could not be the least contact between the two services. The noble lord seemed to be of opinion, that the preventive service was more useful than the coast blockade, because they got information from the revenue department: but did he not know that the king's ships were also employed against smugglers, and that the coast blockade were enabled to give information to the officers of those ships? For his own part, he did not think the proposition of the noble lord was of any great moment, one way or other; because either the preventive service or the coast blockade must act on any information given to them. The noble lord had observed, that the coast blockade was not the best school for officers. Perhaps it was not for those who were going to sea; but he could not therefore consent, that it should be altogether thrown overboard. That force was commanded by officers of the navy. They were lieutenants; and whether the school was a good or a bad one, those individuals had performed the duties allotted to them most satisfactorily. The other day, when a draught was made from the coast blockade to man the guardships, in consequence of the expedition to Lisbon, the captains were so well pleased with the conduct of the men, that they requested they might be allowed to remain in their ships, in a greater proportion than the admirals were advised to allow. This, unquestionably, was a proof of their usefulness. No economy would arise from the reduction of the proposed grant. If a reduction of two thousand seven hundred men were made, it would be the duty of the Admiralty to full-man the guardships. Thus, the same expense would be incurred by the public without any return of service. He verily believed, that the number sought to be reduced would be found to amount to little more than the force they would be obliged to substitute in their room. Here, however, was a body of men ready to be employed at the shortest notice; and the House must be aware that they had been employed three times in the course of the last fifteen months. There was, in consequence, a saving to the public of the expense of a complete and efficient force, which otherwise they must have kept in the guard-ships. They had heard a great deal against the practice of impressment. Now, he would boldly say, that if it were not for the coast blockade, his majesty must have sent out press-warrants, on account of the expedition to Portugal; as had been done in the case of the Spanish armament. When hon. members felt so strongly the horrors attending impressment, and were so anxious for economy, it was rather extraordinary that the very first proposition they made for the reduction of these estimates would, if successful, have the effect of inflicting on the government the necessity of having recourse to impressment, while it would rather add to than diminish the expense.

Mr. *Maberly* said, that in deciding on this question, his object was, in the first instance, to consider whether the reduction proposed was a fair and proper one. Now, under ordinary circumstances, he should have been stopped, *in limine*, from proceeding with such an investigation; because official gentlemen alone were usually in possession of the facts. But now, when, as a member of the finance committee, he had obtained information, was he to be told that it was not fair to make use of it? In justice to the gallant officer, he would say, that more full, candid, explicit, and able evidence than that given by the gallant officer had not been submitted to the consideration of the committee. Therefore he considered that he was doing nothing unfair in referring to it. The gallant officer had laid great stress on the saving of labour and stores which had been effected. With respect to labour, he gave the hon. baronet no credit at all for its reduction: and for this reason—if he understood the evidence rightly, no more ships of war were wanted—but the number on the stocks was near thirty; and to keep up the complement of shipwrights, a sum of 30,000*l.* was required annually. The labour of these workmen was, it appeared, reduced one day per week; but, in his opinion, one-half of that labour ought to be put an end to. In point of fact, if they were continued, not one quarter of their labour would be wanted; for, if employed at all, it must be in repairing and not in building ships. He therefore did not give the hon. baronet credit for the reduction of labour, but felt surprised that it was not curtailed to a much greater extent. The gallant admiral stated, that there was great difficulty in disposing of the shipwrights. It appeared that government did not now want them; but they kept them because they might want them next year or the year after. If they proceeded to finish the thirty ships, it was clear they would have no further employment for those men. The question then was, whether it was better to finish the labour by degrees, or to put an end to it at once? So far from his hon. friend deserving censure from the gallant admiral, on account of this amendment, he ought to have moved for a much larger reduction. Such a reduction he hoped would be made, and that without delay. They were called on to vote thirty thousand men—a body that occasioned a very large expense; and he certainly had heard nothing that could justify such an expenditure.

Sir *E. Knatchbull* thought it would have been much fairer, if the evidence given before the finance committee had not been referred to. He thought the committee, and even the country, was likely to receive injury from the course which had been taken. It was most true that the gallant officer, and other members of the government, had given their evidence in the fairest and most honourable manner: but when it was found that that evidence was noticed in the House before the labours of the committee were at an end, was not such a circumstance calculated to induce a sort of reserve, or circumspection, with respect to persons who would hereafter be examined, which would lead them not to give so much information as they would otherwise have done? With respect to the proposed reduction, he could see no economy in the amendment. He believed that the system of smuggling was much contracted in consequence of the employment of the force which it was proposed to reduce; but the impression on his mind was, that if it could be avoided, seamen ought not to be employed in that way.

Mr. *Curteis* thought, that in the present circumstances of the country it would be most unwise to reduce the force of the navy. Perhaps it would be soon found necessary to raise ten thousand additional seamen, instead of disbanding two thousand. That, he thought, was not at all improbable. The preventive service, under the board of Customs, had put an end to smuggling. He did not mean to argue whether the system was or was not good in itself, but certainly the end for which it was established had been answered.

Mr. *Bernal* said, a gallant officer who was employed in the coast-blockade-service, had informed him that the transactions in which the individuals connected with that service were employed, were such as greatly deteriorated the character of British seamen. If he voted for the amendment of his hon. friend, he did not think he should be doing any mischief to the naval service. It would be given with a view to the reduction of the coast-blockade-service, and not with any desire to weaken the naval service generally.

Mr. *Calcraft* supported the original resolution. Government had told the House, that 30,000 men were necessary, and that, if they did not choose to employ a portion of these men in the preventive service, it would be expedient to fully man the guardships, where the seamen did nothing; but as in the case of Portugal, the country derived benefit from the labours of the men occupied in the preventive service. Surely, then, they would not deprive the navy of such a force, which might next year be wanted in the Mediterranean. It would be most impolitic to deprive the navy of upwards of one fifteenth of its whole strength. Now he wished to ask, if the inconveniences which he had anticipated before the discussion began, of relying on the evidence taken before the finance committee, had not been fully illustrated. What had the members of the finance committee and of government done? Why, they had flatly contradicted each other. Now, how was he to come to a satisfactory opinion upon the contending statements? There was but one way. Let him read the evidence. From that he was for the present shut out, because this finance committee had made no report. The finance committee had either made up their minds or they had not. If they had, why did they not report? If they had not, why did they come forward to give the House information? As to the general question, he was of opinion that government were perfectly right in maintaining a sufficient naval force, under the present circumstances of the country. He thought they did not ask too much when they required thirty thousand men; and for his part, he would not give his vote for the reduction of a single man.

Sir *H. Parnell* defended the finance committee from the censure of not having made a report. The House would recollect, that the finance committee of 1817 did make a report, but he would ask any hon. member to point out the good which resulted from that report. Any hon. member who would take the trouble to refer to the report, would see at once that the committee and its report were used merely for the purpose of helping the government to accomplish the measures they had in contemplation at the time, and that no advantage was derived from the labours of the committee, with reference to the financial condition of the country. The present committee had avoided the errors of its predecessors, by taking time to become possessed of all the requisite information before they ventured to make a report. When he addressed the House before, he had pointed out, as an individual member of the House, the objections he felt to the vote of thirty thousand men, and he had availed himself, as he had a right to do, of the information he obtained elsewhere. When, therefore, he was asked to vote money for the naval service, and the prevention of smuggling, he thought he had full right to make use of any information he possessed, as a means of opposing that which he considered unnecessary. With regard to the observation of the hon. member upon the subject of smuggling, he stated it as a fact, that the gallant admiral declared he conceived the blockade men were not necessary for the putting down smuggling; and he must repeat that the gallant admiral did say so, and, therefore, he objected to the additional force employed for that purpose. With respect to the vote itself, he thought he had put it on the right footing when he described it to be not so much an expense of 200,000*l.* as an addition to the force of the country.

Sir *G. Cockburn*, in explanation, observed, that he did certainly say, in his evidence, that the coast-blockade force was not absolutely necessary for the suppression of smuggling, but he had added, that there were considerable naval advantages to be derived from it in other ways. In his evidence before the committee he had said, that the suppression of smuggling, might be provided for in another way, but not so effectually. He at the same time took occasion to point out to the committee the advantage which the naval service derived from the blockade service in cases of emergency, and the great saving which resulted from their being substituted for Custom-house officers.

Mr. *Hume* said, he had never before heard, that a member of a committee was precluded from giving an opinion on any subject before that House. He had not a single page of the evidence by him; but if he had thought that such a question would have been raised, he would have brought down the whole, and read from it every syllable which bore upon the subject. Why were they, in the present state of the country, to vote thirty thousand men, when, at former periods, a smaller number had been found necessary? At other periods, whenever an increase was proposed, it was considered the duty of the person proposing it to state the reasons of it. Every augmentation of our force had been declared necessary, from the existence of new services; but as those new services ceased, our force had not been diminished; and no reason had been assigned for continuing a force when the cause which created it had ceased to exist. What was the reason that they should now keep up such a force as this, when they had not the means of paying for it? He called upon the House to reduce this number, unless a satisfactory reason were assigned for keeping it up. They were told that the finance committee had not made up their minds on this subject; but why had they not? Because the mass of business which had been thrown upon them had precluded the possibility of their giving the subject due consideration. The gallant admiral had stated, that this force was necessary in order that they might be prepared for armaments; but could there be any comparison between the situation of this country in 1792, with fifteen or sixteen thousand men, and the situation of the country now, with the vast increase which had been made to its forces? Every foreign power was reducing its navy; and why should we be keeping up ours? Why should we be exhausting our resources in time of peace? Was it that when war came, the country should be unable to bear the expense of it? He thought they ought to reduce every establishment. He did not confine his observations to the navy, which he believed to be the principal arm of England; and, if he thought that a reduction would injure it, as far as purposes of national defence were concerned, he would not support reduction. He thought, however, that our naval force might safely be reduced by one-tenth. Nothing could be more dangerous than to keep up a war establishment in time of peace; because nothing was more likely to make them thrust their heads foolishly into other people's quarrels. The gallant admiral had stated before the committee, that a large naval force was necessary to protect our commerce; but did he recollect that America had not one-tenth the force afloat that we had? And yet he would venture to say, that the commercial flag of America was as much respected as that of England. There wss a positive deficiency in the Ways and Means; how was this to be provided for except by reductions or new taxes? He thought it an important fact, that they were called upon to vote nine thousand marines, and yet five thousand of them were always at home. At the same time, too, the military force continued the same, and therefore they could easily spare two or three thousand marines. He was sorry that his hon. friend had not proposed this reduction as well as the other. He would contend that they were now leaving it to ministers to decide what force should be kept; and, if this were to be the case, the sooner that House was shut up the better [a laugh]. Yes, he would rather see the affairs of the country managed by one responsible individual, than by a House of Commons inattentive to the wants and interests of the people. Now, they had ministers who represented his majesty; but had they any responsibility? No more than he had. Nay, not half as much as he had; for he was responsible to those who sent him there. A reason for keeping up this force ought to be assigned. If peace was to be preserved, the force was too great; if war was expected, let ministers say so, and he would not say another word.

Sir *C. Cole* said, that, with respect to the blockade service, he was ready to admit that the execution of that service was apt to lead men away from what would be called proper and correct service; but there was no service in which a seaman's courage and abilities were more exercised. Why, then, should they take it away? If he were appointed to the command of a ship of the line, nothing would give him greater pleasure than to have one hundred men from this service to serve under him. He did think the proposal of reduction was very extraordinary, when it was notorious that all the other powers, and especially France, were increasing instead of diminishing their naval force.

Sir *J. Beresford* said, that since the year 1792, every power had been endeavouring to get the better of the English navy. The proposal for reduction, therefore, seemed to him to be a most extraordinary one. If it were agreed to, and there should arise an American or any other war, in what a condition would this country be placed?

Sir *James Graham* said, he had not been prepared, on entering the House, for the proposition of the hon. baronet, and he had listened with great attention to the arguments on both sides—prepared, if he should see reason, to urge upon the government the observance of that economy which the finances of the country required. But, after the able arguments which he had heard from the Secretary to the Admiralty, and from the hon. member for Wareham, he could not vote for the proposed reduction. He was bound to believe on the authority of ministers, that if this force were done away with, it would be necessary to man the guard-ships, and that thus a great increase would be occasioned in the expenditure. Considering the delicate posture of affairs, he thought that ministers had exercised a sound discretion in not reducing the estimate. A declaration of war had been made by Russia against Turkey. If we wished to preserve peace, we must not deprive our right arm of its vigour. Besides, it would be unworthy of this country to acknowledge to Europe, what indeed was not the fact, that our resources were so completely exhausted that we were incapable of maintaining a naval force of thirty thousand men. Nay, he was sure that, if it were necessary, there was not a Briton who would not join in an effort to double the number.

The amendment was negatived, and the original motion agreed to. A conversation then took place on several of the resolutions. After which, the chairman reported progress and asked leave to sit again.

HOUSE OF LORDS.

Monday, May 19.

Roman Catholic Claims—Conference between the Two Houses.] The Duke of *Wellington* moved, that the following lords be managers of the Conference with the Commons, viz.—The lord President (earl Bathurst), the duke of Devonshire, earl Grey, earl Vane, the earl of Eldon, the bishop of Durham and lord Colchester. At half-past five, the above noble lords went to the Painted Chamber, and returned again almost immediately.

Earl *Bathurst* then stated, that he had gone to the Painted Chamber, and met there Sir F. Burdett and other members of the House of Commons, who, in the name of the whole House, delivered into his hand the paper he now held, which he begged might be read by the clerk at the table.

The clerk then read the paper, which was the Resolution passed by the Commons, to which resolution the Commons desired their Lordships' concurrence.

The Marquis of *Lansdowne* said, that not having understood it to be the intention of any noble lord to propose any day upon which to take into consideration the communication from the Commons, he rose for the purpose of moving that the resolution be taken into consideration on Friday, the 30th inst.

The Duke of *Wellington* thought it would be more convenient if the noble marquis would postpone his motion to the Friday in the following week.

The Marquis of *Cleveland* said, that though some noble lords might wish for an early day, yet he, in common with other noble lords, felt he had a duty to perform in a very high quarter, to which he, and other noble lords probably, thought it their duty to attend. Under these circumstances, he hoped that Monday the 9th of June, might be fixed upon.

The resolution was accordingly ordered to be taken into consideration on Monday, the 9th of June; for which day their lordships were ordered to be summoned.

Roman Catholic Claims—Petition of the Catholics of England.] Earl *Grey* rose for the purpose of once more offering to their lordships' consideration, a Petition from the great body of the Roman Catholics of England, praying for restoration to a full enjoyment of the rights of the constitution. The petitioners presented their claims to their lordships' consideration, on the strong ground that they had done nothing to merit exclusion. The petitioners humbly offered to their lordships' consideration,—and they appealed to the best periods of history as proofs of their assertion,—that with respect to them no paramount political necessity for such exclusion existed. They appealed to their conduct in many instances, both in ancient and modern times, for proofs of their undeviating loyalty and zealous devotion to the interests of their country, of their steady attachment to the constitution, to the support of which, though deprived of its benefits, they had never thought any sacrifice too great. They had repeatedly contributed their property, and unsparingly risked their lives, in the support of that constitution, whenever the services of the state required them; and no man was more competent than the noble duke opposite, to bear testimony to the bravery displayed in those contests in which they had been the humble instruments and partakers of his fame—to the noble manner in which they had supported the honour of the country and the independence of that constitution, of the benefits of which they were still deprived. The petitioners further appealed, in proof that there was nothing in their religion incompatible with religious or civil liberty, or dangerous to the interests of the state, to the conduct of their ancestors in the best periods of our history. They referred to the resistance made by their Catholic ancestors, and by a Catholic sovereign, to all attempts made by the see of Rome to encroach on the temporal rights and constitutional liberty of the kingdom. They referred to the conduct of their ancestors in the glorious reign of queen Elizabeth, when they were found in the first ranks of the supporters of the Crown, and even assisting in defeating that blow which was aimed at the civil and religious institutions of the country, even though made under the sanction of the pope. They denied a divided allegiance. They denied that their respect for the spiritual authority of the see of Rome did in any way withdraw them from paying that obedience which they owed to the temporal authority of the king, as established by the laws of the country. They appealed to the example and institutions of all states in modern Europe. They appealed emphatically to the wise and beneficent policy of the king of Hanover, who admitted to a full participation of civil rights all subjects of whatever persuasion, and who excluded from the code of constitutional law of that country any disqualification of any class of his subjects, on account of religious opinions. They appealed to every state of Europe, with the exception of Spain and Portugal, and some part of Italy, for a proof that, in the service of the country, the union of the different persuasions, Protestant and Catholic, might be beneficial, and would not weaken, but consolidate and strengthen our security. But above all, they appealed to all the free states of Europe to show that their religion was not incompatible with civil liberty,—a charge most strange to be made in this country, where the very foundation of our liberty had been laid by our Catholic ancestors. They appealed to the free states of Switzerland, and still more to that union of the Protestant states of Holland and the Catholic states of the Netherlands, sanctioned and effected by this country for the general security of Europe, and as an outward defence to this country, made in peace for the general safety. They appealed to these things with confidence, and trusted they would meet with their lordships' most serious consideration. It had been stated, that this country was essentially Protestant: so were the States of Holland essentially Protestant; yet, under the sanction and guarantee of this country, for the safety and security of Europe, and for an outward defence to this country, was the union of these Protestant States of Holland, under a Protestant sovereign, with the Catholic States of the Netherlands promoted; it being a fundamental article of the union, that, in the administration of government, and capacity for civil and military offices—that which was called political power—no distinction whatever should be made between the members of those states, on account of any difference in religious opinion. Holland was essentially Protestant, as well as this country. The political, civil, and religious relations of the two countries were very much alike. That country had been freed from great persecution and bigotted power, with the assistance of this country— upheld by us in security, and redeemed from a tyranny which had well nigh overwhelmed the world; and in that very arrangement, to which the noble duke opposite contributed, the principle was sanctioned as one of security to a Protestant state, and as an outward defence for the government of England; that no differences or disqualifications should exist on account of religious opinions.—He had thought it necessary to state thus much to the House. Perhaps some of their lordships might think he had gone too far, upon presenting a petition; but he could not help calling upon their lordships to consider the matter before they came to discuss the subject of which his noble friend had given notice. After what he had stated, he should think it extraordinary if he were still to be told—and by the very ministers who sanctioned the treaty which he had mentioned—that the provision introduced into it for the security of Europe, could not be adopted in this country, without danger to the constitution.—There were one or two other observations which he wished to make. This was a petition from the Roman Catholics of England: they prayed for the full enjoyment of those rights to which they were entitled in common with every other class of his majesty's subjects, and their exclusion from which must be deemed an injustice, unless there existed grounds to justify such exclusion. Now, no such grounds could be shown. Their situation was one of peculiar hardship. It was a great aggravation of the injuries of which they complained, to see themselves excluded even from the limited privileges which had been extended to the Irish Catholics. The present petition was signed by the duke of Norfolk, premier peer, and earl marshal of England; and by the great body of the ancient and respectable Catholic gentry of this country. It contained the names of thirteen thousand persons, all of whom complained of their unjust exclusion from the benefits of the constitution under which they lived, and all of whom were now fulfilling their duties to the state in the most meritorious manner. On this, as on every former occasion, they came before their lordships in the spirit of conciliation and peace; evincing no perverse disposition to cavil at the grounds on which, should their prayer be acceded, their lordships would be pleased to extend to them the benefits which they sought at their hands. He believed that the best security was to be found in the adoption of this great measure; but, at the same time, the petitioners would not object to any security which was not inconsistent with the rules of the church to which they belonged. For himself, they should ever find in him a zealous supporter of their claims; satisfied as he was that the great work of religious peace and political security never could be accomplished, except on grounds of mutual satisfaction to all parties.

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, May 19.

SUPPLY OF WATER TO THE METROPOLIS.] Sir *F. Burdett* said, he wished to call the attention of the Secretary for the Home Department to the state of the supply of Water to the Metroplis. It involved matters of great importance, and was closely connected with the health and comfort of the inhabitants. He could have wished that the report which had been made upon the subject had gone a little further than it did, and had pointed out, not only the defects of the present system, but also the remedy that might be applied to them. What he proposed was, to carry the inquiry a step further, and empower the committee to consider of a plan for the improvement of the water supplied to the metropolis. The opinion of engineers should be taken upon the subject, and the most practicable mode of procuring an abundant and wholesome supply of water investigated. What he now wished to know was, whether the right hon. gentleman entertained any idea of this sort; and what course it was proposed to take in relation to a subject of such importance to the health and comfort of the community? He hoped government would take upon itself this task of making the preliminary inquiry, and would not grudge a few hundred pounds in employing for that purpose some able and practical engineers. At all events he trusted the evil so loudly complained of would not be allowed to continue.

Mr. Secretary *Peel* said he had read the minutes of the report alluded to, with considerable interest. It was natural enough that companies formed in order to supply the metropolis with that essential of comfort, and indeed of life, should form these associations with a view to the private profit and emolument likely to arise out of the speculation. The next thing probably considered was the obtaining the supply required, and the last the quality of the water itself. Of these companies there were five principal ones. The New River, the East London, West Middlesex, Chelsea, and Grand Junction Companies, supplying the northern parts of London and the city of Westminster. With reference to the evidence as respected the Grand Junction Water Company against the quality of whose water several insinuations had been thrown out during the examination, he did not think the water could be characterised as bad. It appeared from the statements in evidence—"That the portion of the town upon the north side of the river Thames, including the cities of London and Westminster, is supplied daily with a quantity of water amounting to nearly twenty-six millions of gallons, and that the total number of houses and buildings receiving this supply amounts to about one hundred and forty-four thousand. The water is of course very unequally distributed, the average consumption in each house being apparently greatest in the district supplied by the Grand Junction Company, where it amounts to about three hundred and sixty-three gallons daily per house. Taking the average of the whole supply, the daily consumption of each house is about one hundred and eighty gallons. Of this water, more than one half of which is derived from the Thames, a large portion is delivered at very considerable elevations above the level of the river, constituting what is called high service; for which purpose fifteen steam-engines are employed, exerting a power of about one thousand one hundred and five horses." There was no doubt, therefore, that the supply was great and abundant. Then as to its alleged insalubrity, the evidence was rather against that presumption. Though it was asserted, that the supply of water was not free from the suspicion of insalubrity, there was no proof of indisposition having been occasioned by its use. At the same time it was impossible not to be convinced of the great impurity of the Thames water, and that, if it could be had, it would be highly desirable to obtain a supply from a purer source. For these ten years past the water had been deteriorating in quality; as was proved by various fishermen, who had found it necessary to abandon that mode of obtaining a livelihood, in consequence of the insalubrity of the water driving away the fish. In truth, the fisherman's trade was destroyed, and, strange to tell, eels, from Holland, imported here, would not live in Thames water. The great remedy proposed by the committee was filtration; and, perhaps, by filtering it the water might be cleansed of all insects or other matter suspended in it. Indeed, looking at the report itself, the objection against Thames water was one rather of feeling than of just or serious alarm. The next question of importance was, from what source the improved supply was to be obtained, and at whose expense? Certainly, it ought not to be provided by government, nor the expense defrayed by the public. If so, the supply would certainly never be procured at so cheap a rate as it had hitherto been, at the charge of individual projectors. The present immense supply of water was the fruit of private speculations. That splendid establishment at Edinburgh was a similar speculation. Why, then, was it to be supposed, if the public were dissatisfied with its supply, that another company would not arise making a purer supply the basis of its prospectus? He did not mean to hold out any encouragement to such a speculation, much less offer any inducement to it. If then, the enterprise was not one in which government could with consistency interfere, certainly it ought not to interfere with the preliminary appointment of engineers, the choice of whom ought to rest with the companies who were to trust them with the administration and employment of their capital. The project of the building of Waterloo-bridge and the Thames Tunnel, great as they were in the outlay, originated and were carried on by private speculators. Another important consideration was, that the interference of government would be likely to be very unpopular, as an interference with private property. If the public health required a very pure water, it appeared that such could not be procured from any part of the Thames on this side of Teddington. To the river Colne there were many objections. If in filtration no adequate remedy were to be found, possibly it would be attempted to be remedied by the formation of another company, which most probably would start upon that principle. As to the success of it, the parties interested in such a speculation must determine for themselves; but it would, for the reasons enumerated, be very improper and unwise that government should involve itself in the responsibility of such an enterprise. He did not think that it would be prudent for government to interfere in the appointment of those engineers who were to point out the manner in which individuals were to invest their property. The best way certainly would be, to let the persons undertaking the scheme employ those engineers whom they preferred, to take levels, and suggest plans for accomplishing the speculation.

Here the conversation dropped.

STATE OF OUR FOREIGN RELATIONS —TURKEY AND GREECE.] Sir *Robert Wilson* on rising to put the questions of which he had given notice, respecting the State of our Relations with Foreign Powers, observed, that, upon several preceding occasions, he had felt it his duty to address questions to his majesty's government on the subject of our foreign transactions. In doing so he was not influenced by any wish to embarrass the government, to invite them to any premature disclosure, or to express any opinion of disapprobation against the motives or conduct of that government. On the contrary, he might once for all say, that so far from entertaining any views unfriendly to the present administration, he considered them, without reference to the circumstances which attended their appointment, as possessing more power to do good, and less likelihood to be counteracted in the endeavours to do so, than any other government that could be found in the present state of parties. When he had addressed a question to the secretary for the Home Department on a former occasion, he did not press him for an answer, because there was nothing in the aspect of affairs at that period which assumed a character so decisive as was to be inferred from recent events. Since then, however, important events had arisen, and were proceeding with such apparent velocity to their consummation, as to demand imperiously the attention of ministers. The last time he had addressed his question to the right hon. gentleman, the Ottoman government had published that extraordinary manifesto which, while it breathed a spirit of the most aggravated hostility against Russia, did not disturb the existing relations between her and that power. The right hon. gentleman had then stated, that no change had taken place in the diplomatic relations of England and Russia. At the same time he did not admit that any change had taken place in the relations between Russia and the Ottoman Porte. But since then, war had been declared by Russia; and not only had war been declared, but her forces had been put in motion—they had crossed the Pruth, and were now probably on the other side of the Danube, advancing upon Constantinople. There was, he believed, a general opinion, that Constantinople itself would be carried with little difficulty. But, if it was to be assailed by Russia alone, and assailed only upon that side to which her operations seemed to be confined, he thought it could not be reduced without considerable difficulty. He therefore did not apprehend that the movement was attended with so much certainty on the part of Russia, or so much peril on that of Constantinople, as was commonly imagined. There was, however, enough in the circumstances he had already mentioned to justify him in asking, what were the relations at present existing between this country and Russia? There was another point which seemed to him to require some explanation also. It was now evident that France, one of the parties to the treaty of London, had not only taken measures for raising eight-millions of francs, as a loan to Greece,—had not only appointed a consul-general to Greece, with the consent of this country, but had called out the remnant of the conscriptions of 1825, 1826, and 1827, amounting in all to about ninety thousand men, for the avowed purpose of placing herself in a situation to take advantage of the new circumstances which might arise. Those facts did not only rest upon the messages to the chambers, but were stated in the speech of the French minister. That minister, after alluding to the declaration of Russia, proceeded to state, that "important modifications in foreign affairs had made it his duty to calculate all contingencies—to call the attention of the king and his council to the possible consequences of a new situation, and to show that at all events their first care should be to place their military force on a footing of relative equality with those of other powers." The speech went on to state, that, "though they could not deny Russia the right of enforcing its treaties with the Porte, yet, without desiring to exaggerate the consequences of that separate action, it must be felt, that the respective situations of the powers, with regard to Turkey, required from them some explanation on the mode of carrying into execution the treaty which was common to them all. But further, the speech went on to declare, that "France, for its part, could not behold with indifference the protracted misfortunes of the Greeks, to whom this intervention of the three great powers had given a right to entertain better prospects; and that the solicitude of the king, in concert with the wishes so often and so strongly expressed in the chambers, would take care that measures be taken to relieve at least so much misery." It was impossible to read this language without feeling that it conveyed a tone, if not of inculpation, at all events of uneasiness and regret: as if England were capable of shrinking from her engagements, or confining herself to mere verbal flourishes on the part of the suffering Greeks, who were exposed to such unmerited misery. If England were capable of adopting such a course, he should consider it one of the greatest calamities that could befall her; for no policy could be more unfortunate than that of giving France just ground for withdrawing herself upon that question. The ultimate effect would be, to throw France into the arms of Russia, and to enable them at any time to endanger the balance of power as regulated at the treaty of Vienna; it would be to throw this country into a situation to receive affronts, the resenting or not resenting of which would be equally disastrous. He did not appeal to the right hon. gentleman with any view of advising a mad crusade, in conjunction with France, on behalf of the Greeks. All he desired was, that some relief should be afforded to enable them to maintain four thousand or five thousand men in active service,—a force which, under the present circumstances, would not only enable the Greek government to drive the Ottomans from the Morea, but to put down the anarchists, who, at all periods of the contest, had done the greatest mischief to their cause. Under the aspect which affairs had now assumed, the Greek cause had become the dyke, on the rapid movement of whose waters the preservation of the European system, and the general interests of civilization, were likely to depend. France had done much to conciliate the good will of this country. She had not only manifested a friendly spirit towards England, but seemed willing to exchange the pursuit of military glory for the more substantial benefit of civic virtues,—a course which, if she persisted in, would render her not only one of the greatest but one of the freest governments in the universe. Under these circumstances, he was anxious to put the question, whether the British government intended, in conjunction with France and Russia, to take steps for the speedy performance of those engagements to which they were bound by the treaty of London?—There was one more point to which he felt it necessary to allude. It distressed him to think that any thing he might say could for a moment be conceived to attach any blame to the brave men who had distinguished themselves in the battle of Navarino, by seeming to doubt whether that battle had been followed up by all the conclusive advantages of which it was susceptible. If the ports of the Morea could have been blockaded after the battle of Navarino—he did not mean to say that they could—but if they could have been blockaded, the removal of many thousand Greeks into Egypt, where they were consigned to the most disgusting treatment, would have been avoided. He was prevented by delicacy from stating to the House the fate to which the unfortunate women and children transported from Greece into Egypt were exposed, according to accounts which he had received. He put this question in the spirit of information, not of reproof, and should conclude with repeating the three questions, to which he hoped for answers from the right hon. gentleman. The first was, whether the British government still adhered to the treaty of the 6th of July? The second was whether they proposed to combine with France in operations for the speedy fulfilment of the object of that treaty,—supposing Russia, of course, to be a party? and the third was, whether they had received any information from the naval commanders in the Mediterranean, to account for not having blockaded the ports of the Morea after the battle of Navarino?

Mr. Secretary *Peel* said, if he abstained from any comments on the variety of observations with which the hon. gentleman had prefaced his particular questions, he trusted that no inference of any kind would be drawn from his silence. He trusted it would be sufficient for him to allude to the inconvenience which must arise from the partial discussion of such important matters, in the absence of that full information which alone could enable the House to decide upon the conduct of the government. If he did not enter into any detailed answer to the different questions, he trusted they would not interpret his conduct into any unwillingness on his part to defend every step which had been taken by his majesty's government in those transactions, but that they would consider prudence alone as the motive which dictated caution upon all the topics, and absolute silence upon some of them.—With respect to the particular questions now put, all the answer he could give, consistently with his duty was this,—that from the moment the treaty of the 6th of July was signed, there had been on the part of the advisers of the Crown, a sincere desire scrupulously to fulfil its engagements. He thought he might also say, that it was the opinion of the government, considering the length of the struggle between Greece and Turkey, that the interests of humanity, as well as of England and Europe, required that an end should be put to the contest as soon as possible, and a permanent arrangement effected, as to the relations in which Turkey and Greece should hereafter stand towards each other. England was prepared to fulfil all her engagements, and in common with her allies to concert the means of carrying the treaty into execution. It was now notorious to the world, that events had materially changed the relations in which one of the parties stood towards Turkey. It was notorious that war had been declared by Russia, upon grounds appertaining to her own condition. That declaration had not changed the disposition of the three parties respectively towards Greece: it had not released the parties from their engagements; but, by altering the character of one of the powers into that of a belligerent towards Turkey, it involved important considerations, as to the means by which the treaty was to be carried into effect. Into those considerations he, for the present, should not enter. When the period arrived, he should be prepared to show that the conduct pursued by his majesty's ministers was, in all respects, reconcileable with the maintenance of good faith, and the fulfilment of our engagement with respect to Turkey and Greece. As to the second question, it was their wish to avoid, as far as possible, the principle of interfering with the internal concerns of other countries, and to limit their operations to the precise objects of the treaty. With respect to the question about blockading the ports of the Morea, he should only say, that instructions had been immediately issued by the government, directing that arrangements should be made for carrying the blockade into effect, and that explanations were required, and information had been received upon that subject, the result of which he must be excused from entering into at present. He hoped that, if he had not given a full answer to all the questions, the House would attribute his silence to a sense of public duty, and not to any wish to avoid explanation when the proper time for making it should arrive.

East Retford Disfranchisement Bill.] The House, on the motion of Mr. Tennyson, went into a committee on this bill.

Mr. *N. Calvert* asked the hon. gentleman whether it was his intention to persevere in this bill?

Mr. *Tennyson* replied in the affirmative.

Mr. *N. Calvert* said, that in that case, he should move an amendment; for he could not consent to the county of Nottingham being deprived of two of its members, as it already had not above its fair share. It was therefore his intention to move, that instead of the right of voting being taken away from the borough, it should be put into the hands of such persons in the borough and the adjoining hundred as were independent in their circumstances, and therefore less likely to be biassed in the giving of their vote. The substance of his amendment was, that the right of voting should remain with those only who were rated in their poor-rates at 20*l.* a year, and that the returning officer should be rated at 40*l.* a year.

Dr. *Phillimore* thought that the hon. gentleman ought to move for the postponement of the preamble.

The *Chairman* (Mr. John Wood) said, he understood that could not be done.

The preamble was then read, and Mr. N. Calvert moved an amendment to the above effect.

Mr. *Peel* doubted whether the hon. gentleman had adopted the most convenient course, as he did not think that the preamble was applicable to the nature of this amendment.

Mr. *Tennyson* rose and spoke as follows:—Mr. Speaker, notwithstanding the disposition manifested by the House on a former night, in favour of the proposal of my hon. friend, I must confess I did entertain a hope that he would have decided to abandon it after what has since occured in the other House of parliament, with regard to the bill for disfranchising the borough of Penryn. The main grounds upon which he received the support of the House no longer exist; but as he thinks it expedient to persevere, I wish to remind the committee that, by the vote of the 21st of March, to which I have referred, we are not in any manner bound to adopt this proposition. That vote merely enabled this committee to take it into consideration, and to examine the claims of the hundred of Bassetlaw in competition with those of the important town, to which this bill yet destines the elective franchise.

And now, Sir, that ample time has been allowed for reflection, and for collecting the general feeling throughout the country on this subject,—I do trust, that in a case where no man will deny that the whole current of public opinion is adverse to my hon. friend's proposal, and where reason, justice, and expediency are, as I will undertake to shew, clearly arrayed against it, the committee will at least pause before it shall consent to that proposal.

The right hon. gentleman opposite, (Mr. Secretary Peel) and those who act with him, although they consented to give this authority to the committee, are still as much at liberty as any other members of this House. The proposition did not proceed from them. The right hon. gentleman has distinctly disclaimed it. But, even if it had originated with him, it merely reserves to those who either proposed or voted for it, the power of consideration, without pledging them to any specific ulterior course. Even if the other House had agreed to transfer the elective franchise from Penryn to Manchester, this would have been the state of the question;—but when the power, thus given to the committee, was part of an arrangement which had relation to the disposition of both these boroughs,—an arrangement suggested by the right hon. gentleman himself, upon the hypothesis that the privilege of Penryn was to be given to Manchester,—it appears to me, that since it is now clearly ascertained that no such transfer will take place, the right hon. gentleman,—although I will not say that he is distinctly pledged, as we are at present circumstanced, to the course which I would invite him to pursue,—yet, cannot be personally bound to act, in the manner proposed by my hon. friend, upon the instruction, his consent to which was governed by an hypothesis which has since entirely failed.

But although I do not assert that there is anything which absolutely binds the right hon. gentleman to adopt my course of proceeding, under the circumstances which have arisen; yet it seems to me to flow from the principles on which he professed to act in the former discussion, (although I entirely dissented from them) that he ought now to concur with me. He proposed to divide these disposable franchises between the commercial and the landed interest. Accordingly, he agreed to transfer that of Penryn to Manchester, while that of Retford was to be given to an agricultural district. Now, if on the contrary, the House of Lords should open Penryn to the adjacent hundreds, which is the course at present contemplated, then he will as effectually act upon the plan he laid down, by giving the franchise of East Retford to Birmingham. And if the Penryn bill be entirely abandoned—still, upon the principle of alternation which the right hon. gentleman is disposed to adopt between the landed and trading interest, a commercial or manufacturing town should now have its turn; inasmuch as, in the last case—that of Grampound—and in the three other cases which preceded it, the land had the benefit of the changes which then took place.

The time is now undoubtedly arrived, for the right hon. gentleman and the committee, to exercise, if they will, that consideration of the claims of Bassetlaw, which this instruction permits. But before we proceed, Sir, I entreat the committee to recollect that the town of Birmingham is still, as it were, in possession of this bill. Its hopes have been raised, and its expectations excited; and it is, I submit, incumbent on my hon. friend, and those who advocate with him, the claims of Bassetlaw,—to shew that those claims ought in justice to be preferred,—before we deliberately eject the town of Birmingham from that position which, conformably to the first impression of the House in its favour, it has now for so long a period been allowed to occupy.

Sir, after the powerful arguments by which my right hon. and learned friend (Sir J. Mackintosh) opposed this motion on a former night,—in one of those convincing and splendid speeches, with which he occasionally consents to instruct and delight us,—I shall confine myself within narrow limits; and I trust, that under the new circumstances now attendant upon this question, I shall be able to satisfy a majority of the committee that every view of the public interest requires the transfer of this disposable franchise to some unrepresented manufacturing town.

In the first place, I contend, that the course which my hon. friend invites us to adopt, is novel in itself—unsanctioned by any precedent,—and inconsistent with the established institutions of the country. My hon. friend says, he means to conform himself to the precedent of Aylesbury. But in that case,—and the two others of Shoreham and Cricklade, which preceded it, and which have been assumed as precedents on the other side, although the neighbouring freeholders were admitted to vote, it was upon grounds which do not exist here. In each of those cases, one moiety, at the least, of the electors were untainted by any proof of corruption. On behalf of that unimpeached portion, it was thought right to retain the borough; but, in order to prevent corruption for the future, it was determined to make a large addition to the constituent body. The neighbouring freeholders presented a convenient source from which such an infusion could be drawn; but this plan was adopted in each case most distinctly on account of the borough itself, and certainly not on account of any supposed claim on the part of the hundred, still less of the county in which the borough was situated. Neither the hundred nor the county was ever dreamt of, as having any pretence to increased representation. But here my hon. friend makes his claim distinctly and exclusively on their behalf. The right hon. gentleman has done the same thing. The acts of parliament, in each of those cases, recite the end and intent to be, "That the said borough may henceforth be duly represented in parliament;" and my hon. friend proposes to conform to those precedents. But does he propose this amendment as the means of having East Retford represented in future? No such thing. He, and others who concurred with him in the last discussion, expressly stated it as the means of giving representation to Nottinghamshire and Bassetlaw, and, together with the whole House, utterly repudiated the borough, and abjured all regard to it and to the whole of the present burgesses, as unworthy of consideration. My hon. friend, indeed, seems now to have discovered all the difficulty of his dilemma, and has attempted to retrace his steps, so as to steer a middle course between the anomaly of retaining the whole corrupt body of electors, and the novelty of altogether rejecting them. Yet, as he is unable to distinguish any uncorrupted portion, he attempts to-night to draw a fanciful and arbitrary line—he proposes to retain the upper portion of the electors; and, therefore, as the most wealthy, the most inexcusable portion. His plan is, to retain those who are assessed at twenty pounds a year and upwards to the poor-rate, that is, just those who ought to have set a better example. I happen to have before me, for another purpose, the assessment of the parish; and I find that it would produce him, on this principle, two or three persons at the most, as the nucleus for his new body of electors, which I before told him he wanted, and the idea of which he and the right hon. gentleman then ridiculed. His two or three individuals are probably among the most objectionable persons in the whole corporation. He cannot separate the sheep from the goats in a case where they are all goats, so he selects those which are the most powerful and mischievous. The poor are excluded, not because they are more corrupt, but because they are poor; the rich are selected, not because they are less corrupt, but because they are rich. Surely this scheme will not be allowed to help my hon. friend out of his difficulty. He cannot conceal the truth. We must see through the flimsy veil he has now found it expedient to throw over his project. It was, and it is, undoubtedly a case for absolute transfer; but my hon. friend would not deal with it by a transfer to another town, or to a county, according to precedent. He attempts, under the colour of a precedent, to which his proceeding has no analogy, to transfer the franchise to a district yet unheard of for any purpose of representation—the district or department of Bassetlaw.

Thus, Sir, I am justified in boldly maintaining that this is a novel proposition—strange to the constitution—an invasion of the ancient scheme of representation by counties, cities, and boroughs—which I contend should not be broken into, as now proposed, without the gravest and most mature consideration. Even if I were willing to begin a new system with my hon. friend to-night, assuredly Bassetlaw would not be the spot upon which I would fix to open my campaign against the constitution, unless I intended it, also, as a campaign against the principles upon which it is founded; for it is notorious, that, to give the franchise to Bassetlaw, is to give the nomination of two members of this House, to a corporation of peers. Bassetlaw is well known to be a crowded galaxy of coronets. I forget:—Gentlemen may not know the fact as applied to this Bassetlaw, but who has not heard of "The Dukery"? It is this district which is so called, and to this "Dukery" it is, that my hon. friend proposes his transfer. What must the public think? Nay, Sir, we know (for the matter has been amply canvassed out of doors), what it does think, of the proposition to allot two members for the purpose of giving double representation to the Dukery, when whole multitudes of the people, and some of the interests the most important to the common weal, are languishing for representation amongst us!

The freeholders of Bassetlaw have already ample representation. Are they to be gratuitously gorged with it? In fact, it is one of the best represented districts in England. First, by the members for the county of Nottingham: they have never said, that they were oppressed by their duties, neither has any complaint been made that they discharged those duties in a deficient manner. Next by an extraordinary providence, and beyond all example, in the other House of parliament also,—by that constellation of dukes and earls, and viscounts and barons, who reside within the boundary of Bassetlaw, or possess her soil: again, in this House, by all those hon. members, whom these puissant nobles contrive, by means which I will not describe, to return to parliament, for places where representation is a name. Thus it would not only be idle to urge a claim, but ludicrous to pretend a want. In affecting to give better representation to the people of England, my hon. friend would, in fact, deprive them of a portion, although, indeed, a decayed and dilapidated portion, but still a portion, of their inheritance, in order to confer it upon that noble oligarchy, which presides over the destinies of this otherwise obscure district. Bassetlaw herself is silent. Her body of independent freeholders, with some of whom I have the honor to be well acquainted, neither petition for, nor desire this privilege. They have nothing to gain, except another mark of their own comparative insignificance, and those who would really gain, cannot and dare not ask. My hon. friend saves them the trouble; for he proposes to convert an open borough, a borough open to all comers—to all at least who have money in their pockets—into what will resolve itself into a close nomination, or at least into a prize for the powerful mandarins of the district to bargain or to fight for. I have before me, a curious exemplication of the truth of my impression. A most respectable gentleman, who has lately written a very valuable pamphlet in favour of Catholic Emancipation (Mr. Gally Knight), encouraged by what passed on the former discussion, has published an address, offering his services to the future electors of Bassetlaw. Well knowing that the fact is as I have stated it, and who would be the real electors of Bassetlaw, he addresses himself to the "Noblemen," as well as to the freeholders of the hundred; although noblemen could not vote nor interfere, without being guilty of a high infringement of our privileges. Mr. Gally Knight, adopting the language of my hon. friend and others, speaks of this operation as a "transfer" from the borough to the hundred,—and lord Newark, another candidate, does the same thing. I have also an address to these electors in embryo, signed by Mr. E. C. Brown (the witness who underwent so long an examination at the bar), on behalf of a candidate whose name is concealed, and whom he pledges to oppose Catholic emancipation. This hand-bill, I understand, proceeds from the duke of Newcastle, on behalf of a relation. It is pretended that the duke has little interest in this hundred, yet, within it lies the greater part of his estate in Nottinghamshire; and he is said to return one of the members for the county. If so, he must have still more decisive influence for this particular hundred. Why did not the relative of the noble duke come forward, openly, like the other candidates? Obviously, because it would have exposed his grace's pretensions, and increased the just opposition to my hon. friend's motion. I have also an address, to the "independent burgesses" of Retford, soliciting the "honour" of representing them; as it is probable, says this candidate, that their ancient privileges will be preserved. He, too, founds his claims on his strenuous opposition to popery, and is no less a personage than Mr. E. Goulburn, the brother of the chancellor of the Exchequer. It seems the right hon. gentleman had founded some hope, on the notice which had been given by an hon. member, to move for the issue of the writ. The letter, which brought me this hand-bill, states, that the freemen of Retford, considering Mr. E. Goulburn to be in the secrets of the government, now entertain strong hopes that the right hon. gentleman, and his colleagues, would support even that motion.

There is only one other point, on which I would touch, in reply to what has been urged in favour of my hon. friend's proposition. It is said to be great injustice that the county of Nottingham, heretofore represented by eight members, should be reduced to six. Sir, I am confident that the measure I propose, will not deprive this county of any advantage, but simply relieve it from a flagrant nuisance. Up to a period, comparatively recent, Nottinghamshire had only four representatives. It was not until late in the reign of Charles 2nd (in 1676) that Newark, in that county, first obtained the privilege of returning members to parliament. It was the last exercise of royal favour and prerogative in this way. But the privilege was not given on the ground of any necessity which the county felt for increased representation; but is known, historically, to have been bestowed as a mark of gratitude by Charles 2nd, for the manner in which Newark had held out, on behalf of the royal cause. At that time too—if I must consider my hon. friend's view of the subject—the population of Nottinghamshire bore a much larger proportion to the population of Warwickshire (into the bosom of which I propose to transfer this franchise) than it now does—the mere increase of the population of Warwickshire, during the last century, being alone equal to the entire present population of the county of Nottingham. Again, it was only in the reign of queen Elizabeth, that Retford itself obtained the privilege it has now forfeited.

By these two acts of royal grace, the representation of Nottinghamshire (according to my hon. friend's view) was doubled; whereas it is not on record that Warwickshire, the relative importance and population of which has increased in an immense proportion, has ever received any addition to its representation since the establishment of the representative system in this kingdom. But, in fact, what have the members for Retford to do with the county in which it stands? First—who return them? The shoe-makers and minor artisans of the town, about one hundred persons, and about the same number of non-resident freemen; individuals, on the whole, who have no sympathy whatever with the interests of the county. Next, who are the parties who have been returned? Gentlemen from Nottinghamshire?—No. In the two last parliaments, my friend Mr. Evans, a banker, from Derby, and Mr. Crompton from Yorkshire. In the parliament of 1812?—Mr. Osbaldeston from Yorkshire, and Mr. Marsh, who was entirely unconnected with Nottinghamshire. Who were returned the last time?—My honourable and gallant friends sir Robert Dundas, and Mr. Wrightson, both from Yorkshire; the unsuccessful candidate being sir Henry Wilson, a worthy knight from Chelsea.

If we consider the manner in which the counties are represented—not as the right hon. gentleman looked at it in the former discussion, but with reference to their population—the population of Nottinghamshire does not appear to require eight members nearly so much as Warwickshire. Warwickshire has at present only six members for its population, which may now be stated at three hundred thousand; while Nottinghamshire has eight for its one hundred and ninety thousand. But, taking the relative population as stated in the last census—that of 1821—Warwickshire at two hundred and seventy-four thousand, and Nottinghamshire at one hundred and eighty-six thousand; still, after the transfer to Birmingham, Nottinghamshire will be better represented by its remaining six members, than Warwickshire by the eight members it will then have, for it will still have only one for each thirty-five thousand inhabitants, while Nottinghamshire will retain one for each thirty-one thousand. At present the disproportion is quite unfair; Warwickshire with six members has only one to about forty-six thousand, while Nottinghamshire has one to about twenty-three thousand, or, in other words, has more than double the representation of Warwickshire. In fine—Nottinghamshire stands the twenty-first in point of population upon the scale of English counties, while Warwickshire is the twelfth.

Sir, I have thought it a proper mark of respect to my hon. friend so far to discuss upon his own grounds, the proposition which he has submitted to us. But Sir, there are other, and far higher motives, which have influenced me in the course I have pursued, and to which I feel it my duty to adhere.

My hon. friend has told us, with that candour which belongs to him, that the object of his motion is to give this franchise as a boon to the landed interest. I am one of the last men in this House likely to take a bigotted view, in opposition to the landed interest, because all the means which I possess are derived from that source, and thus identify my private interest with it. My hon. friend will recollect, that I lately sat in a division upon the same bench with him in support of the landed interest, and I was satisfied that, in giving that vote, I was not aiming any blow at the commercial or manufacturing classes of the community; for, whatever supports the agriculture of the country, must be beneficial to them. And now, I am equally persuaded, that the landed interest will be effectually promoted by duly encouraging and giving the advantage which I now seek for the commercial and manufacturing interests. But if I did not think so, still a sense of the injustice of my hon. friend's proposal would divert me from acceding to it.

I have shewn that the members for Retford did not, in any sort, represent the county of Nottingham. But, Sir, I will now add that they were never intended so to represent it, and ought not, according to my hon. friend's design, to be made to do so. I will cite an authority to which he will defer, that of sir W. Blackstone. He says in his first volume, page 159—"The counties are represented by knights elected by the proprietors of lands: the cities and boroughs are represented by citizens and burgesses chosen by the mercantile part, or supposed trading interest of the nation." Again, page 174:—"As for the electors of citizens and burgesses these are supposed to be the mercantile or trading interest of this kingdom. But as trade is of a fluctuating nature, and seldom long fixed in a place, it was formerly left to the Crown to summon, *pro re natâ*, the most flourishing towns to send representatives to parliament; so that as towns increased in trade and grew populous, they were admitted to a share in the legislature."

In fact, the boroughs did, as sir W. Blackstone states, formerly give direct representation to the trading interest of the nation, such as it then was, and of which those communities were the chief depositories. Changes in the circumstances of the country have thrown its trade, and that of a much higher character, into other hands; but still these small open boroughs form the main source from which a secondary representation is, in a circuitous way, furnished to the new and real trading interests which have now risen up out of the pale of the representation. The demand for representation on the part of these new and extensive trading, manufacturing, and monied interests, during the last one hundred and fifty years—that is, since the Crown discontinued exercising the prerogative referred to by Mr. Justice Blackstone, has set them to obtain, by corruption and stratagem, that supply, for which the practice of the constitution had ceased to afford the due and legitimate means. Just as the demand for game, on the part of the monied interest, is satisfied through the lawless channel of the poacher, for want of a supply through channels authorized by law. The small open boroughs have accordingly fallen a prey to this demand and necessity for representation, which have risen up in other quarters. The result is, that some virtual or secondary representation is thus obtained for these new interests, but it is accomplished by means of the most demoralizing and vitiating character. The matter should not be so left. It may be said that the venality and corruption now practised are necessary, as it were, to the system; that without them, this system would not "work so well" as it has been said to do, and which I admit that, to a considerable extent, it still does. Yet they should, undoubtedly, be got rid of. But, if got rid of, *per se*, and the franchise were continued in the hands of these petty corporations then the dregs of the people, such as the one hundred resident voters of Retford (for the non-residents would not come to vote if there were no money in the case) would be represented on the one hand, and the upper classes, by the counties, and close boroughs, on the other while the middle classes, at present forming the substance of the people of England, would be deprived even of that secondary representation which they now, by these vicious means, obtain. The judicious course is, therefore, gradually, and as opportunities offer, to transfer these franchises from the hands of those, who, not requiring the privilege, abuse it—to the interests which, having a real necessity for it, are driven to obtain it by mischievous courses. With regard to the close boroughs, I mean those which were formerly, for the most part, open boroughs, but are now fallen under the control of some individual patron, they still give some virtual representation, in many cases, to the monied or commercial interest; but, inasmuch as the proprietors of these close boroughs are, in great measure, exclusively connected with the landed interest, the chief dependence of the monied, commercial, and manufacturing classes, must be upon those which yet remain open boroughs.

When arrangements were, from time to time, formerly made for the due representation of the landed and trading interests, the former, in the early periods, bore an enormous proportion to the latter. I have seen it stated somewhere lately, I believe in that very able and valuable work recently given to the public by Mr. Mackinnon, on the progress and present state of Public Opinion,—a work abounding in new and interesting matter, and directing the statesman and the legislator to the most important conclusions, I say, I believe it is there stated, that at the time when the land was chiefly in the hands of the king, the Church and the barons, the landed interest bore to the trading interest a proportion of five hundred to one. The bulk of the people were then in an abject state; but, as circumstances arose to develope and stimulate their industry and intelligence, a middle class sprung up in the trading towns, who were to bear a considerable proportion towards the national charges.

In behalf of these towns, as their means of contribution increased, abundant use was made of the power of the Crown, in order to give them representation in parliament. In the century which elapsed between the reigns of Henry 8th, and Charles 2nd, the period during which various circumstances, and some wholesome laws, caused trade to make its first great strides in this country,—ninety-three boroughs, a majority of those now sending members to parliament, as will appear from Mr. Hellyer's very useful tables, were added to the representation. Many of them, indeed, have since decayed, or become corrupt, amongst them, East Retford; but, with some of the first so added, I find Lancaster, Preston, and Liverpool. Subsequently, in the reign of Charles 2nd, Durham and Newark were likewise admitted; from that period, the representative system has stood still; but while it has been stagnant, trade has been making prodigious advances. The trading and monied interests are now, at least, equal in importance to the landed interest; and I may appeal to the right hon. the chancellor of the Exchequer, whether they are not estimated, as contributing, at least in an equal degree with the land to the revenues of the country. That trade has, in this interval, advanced in an enormous ratio to the advance of the landed interest, will be obvious from a very simple statement. About the period of the Revolution, and for a few subsequent years, the rental of the landed property may be stated as amounting to between 10,000,000*l.* and 14,000,000*l.* In 1812, according to the returns under the acts relating to the property-tax, it scarcely amounted to 30,000,000*l.*, so that it had, within the intervening period, doubled, or at the most, trebled. Now let us look at the relative progress of trade. In 1689, the customs yielded about 600,000*l.*; and, according to the account lately presented to the House, they produced in 1827 about 20,000,000*l.*; or nearly 18,000,000*l.* into the Exchequer; thus the customs' duties have, between those years, increased thirty times. Yet, notwithstanding this enormous proportionate advance of trade and manufactures, in this state of things, which, if the ancient prerogative had continued in action, would doubtless, have caused great additions to the borough representation, my hon. friend, instead of agreeing to my proposal, (which is, not to make any addition to it, but merely to substitute one borough for another), would seduce us to make a direct transfer to the landed interest from that fund which was designed to represent the commercial classes, and thus invade the limited territory which still, after a fashion, supplies a kind of virtual representation to the new trading interests of the community. Sir, this project is therefore, as unjust at it is novel; but it is also unwise and inexpedient.

We have been long and anxiously engaged in promoting the commerce and manufactures of the country. They have, within the last century, doubled its population, and infinitely more than doubled its resources. They have created several immense trading communities, yet unrepresented in parliament; and a prodigious mass of wealth and intelligence, residing in a widely-extended middle class of the people, which is now become the chief seat of the public feeling and opinion of this kingdom.

Some there are who view this result with alarm. And, Sir, I confess that I have, myself, looked with occasional doubt and anxiety at the question—whether our institutions would be allowed to expand and adapt themselves with sufficient promptness to this great change in the condition of the people. Let those who have felt alarm be assured that this is the only important and just ground for it. No scheme of representation can possibly be adapted to all states of society; and no institutions can hope for perpetuity, but such as are endowed with some inherent power of adaptation; for change of some kind, in the condition of society, is continually in progress.

The history of mankind shows, that, as these mutations have taken place, old governments have been constantly thrown off (sometimes, indeed, to exchange them for worse) and the disquietude now exhibiting in some European states, arises from the progress of society on the one hand, and the stationary character of the existing institutions on the other. But, up to the Union with Scotland, the English constitution possessed—nay, it still retains, although no longer exercised—this inherent power of adaptation, this *vis medicatrix*, by means of that prerogative of the Crown, to which I have before referred; and in cases where it was probably doubted, whether the Crown possessed this prescriptive power, acts of parliament were resorted to, as in the instances of the Principality of Wales, the County Palatine of Chester, and Berwick-upon Tweed, in the reign of Henry 8th.; and again, in that of the Palatinate of Durham, in the reign of Charles 2nd.

If, in centuries past, these measures of the Crown or of parliament had not, from time to time, established a direct correspondence and sympathy between the legislature and the new communities and interests as they arose, by giving them representation in this House, long, long ago would it have become unfit for its purpose; and that constitution, the balance of which has been thus preserved, would have shared the fate of some other gothic constitutions, which, having lost their sympathy and due connexion with the people, had become unfit for their new exigencies. And now, Sir, if the frame of our representation be not allowed to recover that elasticity, in this respect, which it formerly possessed; if it is to remain stationary, while these great interests are progressing, and are giving birth to vast unrepresented and intelligent communities, it will gradually become less and less adapted to the condition of the country, and we shall remain in a continual state of approach to some great and fatal catastrophe! A century and a half has elapsed since the ancient prerogative of the Crown did infuse any new portion of vitality into the constitution. During that period, the system, which before expanded as new wants and interests were developed, has stood still, while a variety of causes have so co-operated, that, precisely during the same period, the monied capital, the commerce, manufactures, and general intelligence, of the country, have made an infinitely greater advance than in all the centuries which preceded it. It is time, then, if we would avert that catastrophe, which, if the next half century is to effect as great a change as the last, may be at no great distance; if we would not, by damming up the stream, suffer it to accumulate, and finally to overwhelm us or our posterity, it is now time, to recommence a gradual accommodation of the representative system to the new condition of the people. Thus, instead of postponing and seeking pretexts to get rid of such opportunities as these, a wise and enlightened government should even studiously seek, encourage, and court them. At any rate, let me ask, are these times and circumstances in which, instead of so taking advantage of a favourable occasion like that which I am now able to offer to parliament, we should not only neglect it, but, by complying with my hon. friend's proposition, work precisely in the contrary direction, and actually transfer such means of secondary representation as the commercial and monied interest now possess, into the opposite scale?

But if, Sir, the commercial interest were at all times considered an object for representation, how much more important to the country, and even to that interest itself, is the representation of those great manufacturing classes, which may, in an especial manner, be said to be the new interests which have risen up since any change took place in the representation! It is these which have given life and activity to all the other interests, and are the very soul and substance of commerce itself; for that commerce must sink into its original comparative insignificance, unless our manufactures enabled us to create at home, articles, in exchange for which we may receive the raw produce or manufactured goods of other countries. The main source of our national wealth is the industry and ingenuity of the manufacturing classes of the people; it is that ingenuity and that industry which chiefly impart to us the civilization, the wealth, the power, and the happiness we now possess; which enable us to maintain our extensive establishments, and our eminent position amongst the nations of the world.

One of the great branches of our commerce and manufacture, vast in its importance as a source of national prosperity, I would now particularly recommend to the favourable consideration of the House. Employing and maintaining half a million of people, dividing itself into an infinite variety of ramifications, diffusing its productions through the whole country, supporting an extensive export trade, in articles unrivalled, unapproached, and almost unattempted by any other manufacture in the world; otherwise important, as giving an immensely increased value to the metallic productions of our own soil, by the simple application of human labour and ingenuity, which, so applied, adds to the stock of national wealth, in a greater degree than any other application of it, by converting materials of trifling intrinsic worth, and for which no equivalent is paid to the foreign merchant, into articles of great comparative and exchangeable value; I have not hesitated to select it for the transfer of the elective franchise now at our disposal.

This manufacturing and commercial interest so extended, and so varied, complicated, and important, is connected with, and has created and collected together, large masses of the people. In one particular district—and that, the very heart and centre of England—one of these masses consists of four hundred thousand persons, in the midst of which, an enormous town, a sort of focus, has formed itself, containing a wealthy, industrious, enlightened and loyal population.

This prodigious capital, the whole of its own peculiar commercial kingdom, the interests which created and maintained them, are unrepresented, totally unrepresented in this House, either directly or indirectly, actually or virtually; for no other town which enjoys the privilege of returning members, has the slightest identity of trading interests with this community; so that such interests, important as they are, must depend upon the gratuitous and charitable attention of others, or, as my right hon. friend (Sir James Mackintosh) on a former night expressed it, upon the general justice of parliament.

Will any man, will my hon. friend, the member for Hertfordshire himself, contend, that such a community ought to remain an outcast from the scheme of representation, if the means of remedy offer themselves, as in this case, without trenching upon other interests; and not only without risk, but in conformity with the ancient practice and principles of the constitution? Yet such is the town of Birmingham; and now it is proposed by my hon. friend, to eject Birmingham from this bill, and bestow the two members we have to dispose of, not upon any unrepresented town, or even district, but upon the dukes and earls of Bassetlaw, already represented twenty fold!

The House has lately declared its opinion that Manchester should be represented in parliament. Undoubtedly, she does require it, in an urgent degree; but if Manchester require it, still more urgently does Birmingham. There are towns sending representatives, which have the same interests as Manchester: namely, Lancaster, Preston, Wigan, Newton, Liverpool, Derby, Leicester, Nottingham, and Glasgow. Thus Manchester has some virtual representation; but Birmingham, Wolverhampton, and Sheffield, have none, absolutely none, direct or virtual, except through the county members. Accordingly, last year, and now again, I have presumed to recommend this important interest to the favour of parliament. I did so on public grounds, and I do so still. The right hon. gentleman opposite, on a former night alluded to a rumour that I intended to offer myself as a candidate to represent the town of Birmingham. The tone and manner of the right hon. gentleman, at the time, were so far from importing anything like an imputation upon my motives, and it was so unlike him to intend it, that I did not then think it necessary to express any disavowal. I trusted, also, that my friends, and those whose regard I value, would acquit me of all interested objects. And I should not now allude to it, if, out of doors, I had not been assailed by the public prints, some of which have thought fit to construe the right hon. gentleman's expressions, and my silence, into a charge on the one hand, and an admission on the other. But still, Sir, I should not, perhaps, condescend to notice this unwarrantable inference, if I did not feel that those claims which I wish to recommend might, by possibility, suffer by any suspicion attached to their advocate. I can not only assure the House that, when I originally inserted Birmingham in the bill of last year, I did so spontaneously, but that I had not the slightest private communication, or even acquaintance, with any individual connected with the town. With regard to the supposed intention, on my part, to offer myself as a candidate to represent it, I am the only individual existing who would stand precluded. The slightest reflection will make it clear, that common delicacy must prevent me from asking that which, if asked, could scarcely be met by a refusal, unless, indeed, the indelicacy of the request should produce it. So far, therefore, as my own conduct and intentions are concerned, I am ready to pledge myself that I shall not make any tender of my services to the town of Birmingham, if it should obtain the privilege of representation in parliament.

Trusting that I have now relieved the question from any prejudice this unfounded rumour might have occasioned; I wish to state, that Birmingham herself is most anxious for the boon. She is a humble petitioner at your bar. All the principal and influential inhabitants, individuals of all parties, and of all political feelings, have testified their anxiety for representation. The petition was signed by nearly all the chief merchants, bankers, manufacturers, and members of the chamber of commerce, and by four thousand individuals, within sixteen hours.

Of course I have now had much communication with the town. But one sentiment prevails, one uniform feeling, founded upon the necessity which those connected with it have long experienced, that it is of the last importance for them to have members of their own to represent them in parliament. They are gratefully sensible of the attention of my hon. friends, the members for Warwickshire; and of that eleemosynary assistance which they constantly derive from my other hon. friends, the members for Staffordshire; but they have explained to me a variety of constantly recurring particulars, which render it important for them to have representatives in more immediate connexion and correspondence with the town. Their intense anxiety can only arise from their extreme exigency. The grounds of that exigency may be, in some degree, estimated by the quantity of local legislation connected with Birmingham. There are between one hundred and fifty and two hundred private acts, relating to the canals, public offices, companies, and establishments, and to the various branches of trade and manufacture, peculiar to this town. In the present session, there are two canal bills, and a town-improvement bill, by the last of which it is proposed to lay out no less a sum than 125,000*l.* for that object. But the application of the great body of the public statutes to the trader of Birmingham, is more extensive than to those of any other town, except the metropolis; and she has no representative to attend to them as they pass. In fact, all these large trading communities are deeply interested in the general legislation of the country, considering the great mass of it which affects the mercantile interest. The House can scarcely have a conception of the extent and importance of the manufactures of Birmingham. There are at least sixty different trades quite peculiar to it. They are carried on by about two thousand master manufacturers, and are chiefly founded on our native minerals, iron, steel, copper, tin, and zinc. Thus the great mineral interests, and the interests of five hundred thousand persons engaged in hardware manufactures, are essentially bound up with those of Birmingham, but are now entirely unprovided with any special guardian in this House. The population of the town alone is about a hundred and twenty thousand. The advance of this population to great intellectual weight may be estimated from the fact that fifteen thousand children are constantly in progress of education at twenty-six different schools. And its moral weight is equally indicated by those various philosophical, scientific, literary, and charitable, establishments, which belong to an enlightened and highly-civilized state of society, and are worthy the capital of a considerable kingdom. The rental of Bassetlaw was mentioned to justify the course proposed by my hon. friend. The rental of the town of Birmingham alone is 300,000*l.*, the local rates about 55,000*l.*, and the estimated capital of the town and immediate neighbourhood about 10,000,000*l.* Her manufactures for exportation to America alone were, in 1812, estimated at 1,000,000*l.* The usual stock, in transit, at Liverpool, has been stated at 500,000*l.* The manufactures for home consumption may be estimated at 2,000,000*l.* per annum.

The extent and peculiar character of these manufactures for home consumption are such, as may satisfy those gentlemen who imagine risk to the landed interest, by giving representatives to the large towns, that if, in any instance, it be true that the agricultural prosperity of the country is identified with its manufacturing and commercial interests, it is so in relation to the town of Birmingham. The great mass of the articles of its manufacture are those of ordinary necessity in every family, as any man may perceive who will look round a farm house, or even the meaner habitation of the labouring peasant. The next class of articles are of the same nature, but fall within the range of comforts, and some amount to luxuries. For each of these, there is, of course, a greater or less demand, according to the prosperity or depression of the agricultural interest; and no proposition is more clear than this, that although such depression might afford cheaper bread to the artisan, yet it would leave those who are chiefly engaged in manufactures for the domestic use of the rural population, with much diminished means, if not utterly without means, to purchase it. On the other hand, the prosperity of the artisan, reacts upon, and advances in its turn, the prosperity of agriculture; and so it is obvious, that they must constantly go hand-in-hand; and it is idle to imagine, that any course which shall advance the prosperity of one, can retard or interfere with the prosperity of the other.

Thus, Sir, the manufactures of Birmingham, being not only an important source of foreign commerce, but based upon, and more closely connected with home-interests of every sort than any other, mainly dependent on the welfare of the agricultural population; supplying domestic comforts and luxuries to all classes of the people; giving life, and vigour, and value to our mineral productions; engaging and supporting three times the population of the whole county of Nottingham, and fifteen times that of its aristocratical rival, the hundred of Bassetlaw; I now seek for this community, so abundantly productive of national wealth and energy, admission into the constitution: I implore for it the signal advantage, the just privilege of distinct representation in parliament.

With her half million of dependent population, with her three millions of annual manufactures, with her ten millions of active capital, I submit it to the candour of my hon. friend, whether his hundred of Bassetlaw, with all its coronets, has any claims which could compete with these, even if justice, expediency, and the constitution, would permit them to be heard?

Mr. *N. Calvert* said, that the agricultural interests were dwindling away daily, and ought to be supported. Even the county members for York were as much the representatives of the manufacturing as of the agricultural interests.

Mr. *Lumley* said, that although the hon. member for Blechingly had spoken of the hand-bill of Mr. Gally Knight, he well knew that the freeholders had more power in returning the members than the noblemen. As it was not known to the House from any authority, that the franchise of Penryn was to be transferred, the fact ought not to influence the debate. He denied that any expectations had been created in Birmingham; as the proposition, when put, was negatived without a division.

Mr. Alderman *Waithman* said, that the present was a great contitutional question, involving the most important interests of the country. He could not, therefore, consider it merely as a question between the agricultural and trading interests of the community. He could not help expressing his surprise at the ground taken by the hon. member for Hertfordshire, and at the arguments by which he had supported his position. That hon. member had treated the subject as one purely between the two contending interests. Now, he could make no such distinction, but should consider it as a great constitutional question. The right hon. Secretary (Mr. Peel) had condescended to give them his opinion upon it. For half an hour he had listened to the right hon. gentleman without being able to guess which way the balance would turn. At last it came out, that one franchise was to be given to the landed, and the other to the manufacturing interest; but the right hon. gentleman had used no argument at all. He had, indeed, talked a good deal about expediency, but he was at a loss to know what the right hon. gentleman meant by expediency in this case. As to what had been quoted from judge Blackstone, that judge had taken nearly the very words of Bolingbroke, and the Tory writer Hume had used the same language. They were here asked to transfer the franchise of East Retford to the hundred, instead of to Birmingham, which was one-fourth larger, whose population was one-third more, and which was infinitely superior to the hundred, whether they considered the taxation which it paid, or the property it included. The present arrangement proposed to give the right of franchise absolutely to people who were already represented and did not demand it, while one hundred and thirty thousand manufacturers in Birmingham were without any representatives in that House. He had been, and should always remain, a steady advocate of reform in parliament. It was not that that change would bring better men into the House, but that the same men would come in under different and more beneficial circumstances. They would then stand, not as the representative each of his own purse, or of that of some other wealthy individual, but as the trustees of understanding and watchful bodies of their fellow-subjects, who would hold them responsible for their conduct.

Lord *Rancliffe* said, that though he took a great interest in the county of Nottingham, yet, if this question came to a vote, he should prefer giving the franchise to an opulent town rather than to his own county.

Sir *G. Philips* contended, that the identity of the landed interest was such, that the member for one county might easily represent any other, but that the interests of different species of manufacturers, and of different merchants, were so different, that they required different representatives. The proper representative for Leeds, for instance, would not do for Birmingham, and the gentlemen who might be well acquainted with the interests of the cotton, might know nothing of the interests of the woollen, manufacturers. Virtual representation might be very good in theory, but, in the present state of the country, it was necessary that the different commercial interests should have special representatives.

Mr. Secretary *Peel* said, he had already stated his view of the course fit to be pursued on the present question, and hardly felt that he should be justified in detaining the House by repeating it. He had proved by his vote in the case of Penryn, that he had no aversion, under some circumstances, to the transfer of a borough franchise to a town of great manufacturing interest. But he confessed, that, in doing this, he meant to recognize no general principle, and was a good deal governed by the circumstances of the case. He thought there was a difference between the position of Penryn, which had twice been warned by bills in that House, of the effect of the course which it was pursuing, and the case of East Retford, the disposal of which was now the question before the House. He had been induced to look a little, too, to the comparative condition of the two counties in which the delinquency had taken place; the first, Cornwall, sending forty-four members to parliament, and the last, Nottingham, only eight. The hon. member (Mr. Tennyson) had spoken of an insinuation thrown out on a former evening by him, that in case the town of Birmingham succeeded in gaining the elective franchise, the hon. member was to represent it. Now, the hon. gentleman would not fail to recollect, that that insinuation had been made in answer to something like a charge, from the side of the House on which the hon. member sat, that ministers desired to throw the right of voting into the hundred, in order to place it at the disposal of a certain noble duke. But the fact was, he considered the question of persons one of no consequence. If he were at all influenced by personal considerations, his vote would go with that of the hon. member; for he had a deep interest in the welfare of the town of Birmingham, while of the hundred of Bassetlaw he knew nothing whatever. The hon. member, too, who looked on every side for an interest, supposed that ministers were disposed to favour the hundred of Bassetlaw because the brother of the present chancellor of the Exchequer was a candidate for the representation. If such was the fact, this was the first occasion on which he had heard it; but he rather believed that there was some mistake. The right hon. gentleman, in conclusion, said that his opinion on this question was not in any degree altered: he would therefore give his vote for the transfer of the franchise to Bassetlaw in preference either to Manchester or Birmingham. He did not know what had been done in the House of Lords with reference to the Penryn bill; but he thought that the House ought to determine on what they thought proper, without reference to what might be done in the House of Lords.

Mr. *Littleton* said, that the proposition was, whether, in transferring the franchise from a borough which had been proved to be corrupt, they should allow the principle of representation to keep pace with the population of the country, or whether the representation of the Commons should remain stationary while the Lords received constant accessions of wealth and influence? If this principle were to be admitted, it would tend to the destruction of that balance of influence, which the constitution established between those two of its branches. Would members, by sanctioning this unequal division, destroy that class to which they belonged? The hon. member, after observing that those members for counties who represented mixed agricultural and manufacturing interests were the most likely to come to the consideration of this question with unprejudiced minds, went on to say, that the only safe course for the House to pursue, in the transfer of a franchise forfeited by the corruption of a borough, would be to give it to that place, whether it was county or large town, which, under all circumstances, should appear most to deserve it. When they talked of the numerical proportion between the people and their representatives, he could not see why a transfer of two members should be made to the county of Nottingham, where the proportion of members was as one in twenty thousand, rather than to Staffordshire or Warwickshire, in which the proportion was as one to forty thousand; but why Birmingham should be omitted, he owned he could not account. As an illustration of the claim of Birmingham to representation, he would repeat a statement which had been already made by his hon. friend. The acts of parliament passed within the last twenty years affecting the local interests of Birmingham and its vicinity,—acts for building bridges, erecting churches, making canals, and roads,—were not less than one hundred and fifty; and there were nearly the same number of statutes, relating to the different branches of trade carried on there. There were in Birmingham not less than nineteen thousand master manufacturers, and there were a greater number of trades carried on there than in any other part of the empire. The exports from it were wholly made up from articles of our own produce; and to give the House an idea of the nature of the trade, he would mention, that it constantly happened that one pound's worth of iron was manufactured into articles exceeding 100*l.* in value. He was not a friend to the general question of reform in parliament! the friends of such reform might view a measure like that now proposed with jealousy, but those who were opposed to reform in its more extended sense should be anxious for the success of this bill, as no measure was better calculated to prevent anything like violent innovation.

Mr. *Stanley* said, he regretted to hear, in a question of such constitutional importance as the present, any allusion to private or personal motives in those who supported it. In the vote which he was now about to give, he would support that one of the three propositions before the committee, in which alone he could be said to have no personal interest. He considered that there were three propositions before the House;—one for giving the franchise to Birmingham, another for transferring it to Manchester, and a third for extending it to the adjoining hundred of Bassetlaw. He would not have mentioned Manchester if it had not been alluded to by the right hon. Secretary. Now, it so happened, that those who were likely to become candidates for Bassetlaw, should the House decide on bestowing the franchise on that hundred, were, with the exception of a right hon. gentleman who had been named, his personal friends. In Manchester it was well known he had a considerable connexion, but in Birmingham he had none whatever; yet, for that place he would give his vote, and he hoped that no competition between that place and Manchester would be made, as it would tend to weaken the greater question of taking the franchise from the corrupt borough of East Retford. To the country generally it was of no importance which of the two was represented. He wished that both could be so; but as that was not to be hoped for at present, he trusted that no difference would arise between the friends of either place. The real question was, whether the corrupt borough should be disfranchised, and he did hope, that no jealousies would prevent its being extended to that town, whose name had been connected with its disfranchisement, as Manchester had been with that of Penryn. He would now say a word or two as to what had fallen from the right hon. gentleman, with reference to the measure before the House of Lords. The right hon. gentleman had told them, that he could not know what had occurred in another place. It was true, he could not, at the present moment, know it officially; but was it possible he could not know it practically? Was there, he would ask, any man who could remain for forty-eight hours practically ignorant of what was going on in that House? The right hon.

gentleman talked of a compromise, and that he acted upon it. He owned he could not hear of such compromise without shame. If, however, it was to be adopted, it should not be on theoretical but on practical knowledge. He himself knew nothing of such compromise. He was no party to it; but if he was to be bound by it, he was entitled to have the benefit of it. If there was to be a compromise to establish what was called the balance of power between the agricultural and manufacturing interests, it should be followed up: but what guarantee had the House, that after it was assented to, the other House would not reject the bill already before them? He would say, then, that this question of compromise was futile, and one which he could not have expected to come from the right hon. gentleman. He owned he was sorry to hear this question of a balance of power between the agricultural and manufacturing interests coming from a minister of the Crown; or that any collision should be acknowledged between them. The precedent which he had quoted was a bad one, and ought not to be followed up; but, if they were to act upon the principle of a balance of power, they must retrace their steps, for the precedents which had been quoted tended to destroy that balance. A balance of power between those interests was, however, unknown to the constitution. The only balance which the constitution recognised was a balance between the three estates; and, in considering the composition of the other House, let it be recollected that, in the aristocracy of which it was composed, the agricultural formed not merely the majority but the sole interest. God forbid that they should not have that influence to which their rank and property entitled them; but the House of Commons had to represent the interests of the whole people, mixed and varied as they were. They had knights of the shire, who, it was to be supposed, took care of the agricultural interests; but all the others were burgesses, representing the interests of different cities and towns; and he could not see why, if a borough became so corrupt as to forfeit its right of sending burgesses to parliament, other burgesses should not be sent from some other town less likely to abuse its privilege, so as to place the representation by burgesses in the same state in which it was before. He owned he had heard with surprise the arguments of the right hon. gentleman, as to the proportion of representatives to the population in some counties. He could not have expected such an argument from the right hon. gentleman. Nottingham, it was true, sent fewer members than Cornwall, but it sent more than some other counties; but why, because there was that disproportion, the franchise should be transferred to Bassetlaw,—the very name of which was, he believed, unknown to most members of the House before this bill was introduced—why it should be given to the freeholders of that hundred, who already had votes for the county, he owned passed his understanding, and he believed that of every other man who had heard of the proposition. If, however, this principle of giving it to a county was to be acted upon, were there no other counties which required an addition of members as much as Nottingham? There was the county of Chester, for instance, containing an extensive manufacturing population; yet Chester sent only two members to parliament, and two for the city of Chester, which was comparatively an unimportant town. If, he repeated, they were to have this compromise, let them have all the benefit of it. Hitherto, the benefit had been only to one interest. An addition had been made to the representation of the county of York; but no franchise had been given to a manufacturing town. The precedent was a bad one; and the more they added to it, the worse it would become. Let the principle of compromise be now extended to the interest which had heretofore been overlooked. Under all the circumstances, he would give his humble support to the proposition of his hon. friend for giving the franchise to Birmingham.—The question of reform had been mentioned. He was not a friend to most of the plans of reform which had been introduced; but to this kind of reform he would give his hearty concurrence. Let each case of gross abuse be taken as it occurred; and a remedy be applied; and thus would the evils complained of be diminished, not by violence, but gradually, as they arose:—

> "Utor permisso caudæque pilos ut equinæ
> Paulatim vello; et demo unum, demo etiam unum,
> Dum cadat elusus ratione ruentis acervi."

So convinced was he of the necessity of the proposed transfer, that if the committee should reject the proposition, he would take every opportunity of opposing the future progress of the bill; because he would rather have to deal with abuses which in time might be corrected, than attempt a remedy which would establish permanently a system which he considered impolitic and unconstitutional.

Mr. *L. Foster* said, that the question they were called upon to decide was not between Birmingham and Bassetlaw, but whether they were then to set a precedent of an entirely popular representation. They had already given a pledge to that effect in the case of Penryn; and if they did so in a second instance, they would be bound by that precedent [cheers]. He knew the meaning of those cheers; but he desired the House to look to the inferences which would be drawn, next year, by those gentlemen who had thus cheered, and see whether they would not deduce a strong argument from this precedent. The hon. member who spoke last had talked of checks by the three estates upon each other; and he believed it was essential that checks should exist, in a constitutional government, in every branch of those estates. They were told not to look to theories or to forms; and if they did look merely to facts, he asked, were there not sufficient checks, and was not each interest, whether East India or West India, Protestant or Catholic, represented in that House? He was anxious that each should have its fair turn; and, looking to the hundred in which East Retford was situated, if numbers were a guarantee for purity of election, it might be found, where the voters were from one to two thousand, and he was sure that when the motion of the hon. member for Hertfordshire was looked to, it would at once be seen how unfounded were the rumours that the change proposed was only intended to increase the power of the aristocracy.

Mr. *S. Bourne* said, that, as he had felt it his duty in the last session to oppose this bill, so should he now express his regret at the course about to be taken with respect to it by his right hon. friend. His right hon. friend thought that the cases of Penryn and East Retford should be dealt with on grounds of expediency. Now, that was not the course he would pursue, as he would deal with it according to the dictates of justice. He said now, as he had said last session, that he did not think the House justified in taking away the franchise of Penryn; for, after inquiry, there were found one hundred and fifty electors uncontaminated, and that was the reason why he had voted against the bill being sent up to the Lords, as he was sure it would meet the fate which it was vain now to attempt to conceal that it had met with; it being well known that it was lost, so far as respected Manchester. The case of East Retford, on the contrary, was one of most flagrant corruption. It had been proved, that there were not twenty electors in the whole borough who were innocent. What was it, then, that was proposed? Having inflicted the heaviest punishment in the borough in which the offence was the lightest, the House was now called upon, by the amendment of the hon. member for Hertfordshire, to inflict the lightest punishment on the borough in which the offence was the heaviest. He must decline, therefore, supporting that amendment. He had always opposed what was called parliamentary reform; and he believed, that with a reference to that measure, the House could not do better than, in such a case as that under their consideration, to transfer the elective franchise to a large place like Birmingham. By so doing, they would take from the advocates for parliamentary reform, one of their chief arguments, and would confer a great benefit upon Birmingham.

Lord *Sandon* said, he rose to express his concurrence with what had fallen from his right hon. friend who had just sat down. If any thing could have induced the House to come to a compromise upon this subject, it was from the idea that the House of Lords would have given their consent to the bill which had been sent up to them. That, however, had not been done, and no one could say that the compromise had been fairly kept. He recollected that the Secretary for the Colonies (Mr. Huskisson) had said, that if there were only one case before the House, he would have no hesitation in transferring the franchise, in this instance, to Birmingham. He therefore claimed the vote of the Secretary for the Colonies; and he claimed it on the very grounds on which his right hon. colleague had rested the defence of his own consistency. The Secretary of State for the Home Department had deprecated the idea of establishing any uniform precedent one way or the other: yet if the mode now proposed were followed, that would establish the general precedent for transfer to the hundred; for all that had been transferred were disposed of in that way. Every one of those cases were wrong in principle;

for they were then in parliament vested with, and ought to exercise, that prerogative which the king formerly had; namely, that of transferring franchises from boroughs which had become decayed, or had rendered themselves unworthy by their own improper conduct. On these grounds he would vote most cordially in support of the original motion.

Mr. Secretary *Huskisson* said, that his noble friend was not incorrect, as to what had fallen from him on a former occasion; but when he said that if they adopted the proposition of the hon. member for Hertfordshire they would create a precedent for future occasions, he could not admit the principle, that the franchise should always in future be transferred to a great town whenever any borough might be disfranchised. The House might make a bad selection, and as what his right hon. friend near him said, related only to a choice between two towns, so his opinion had been that it would be better to extend the franchise to the neighbourhood of the town which had formerly enjoyed it, rather than to a distant part of the kingdom. Now, as to the present, which his noble friend considered a strange course, it should be recollected, that when the House first took upon itself to punish for corruption, it did not disfranchise any borough, but considered that a corrective was applied by throwing the liberty open to the vicinage; and that had been done in the cases of Shoreham, Aylesbury, and other places, and the argument in favour of that course was strengthened when there were numbers in any place who had not vitiated their franchise by using it for corrupt purposes. In such cases parliament had no right to take away the franchise, and thus punish innocent persons for guilt incurred by others. The proposition, however, of the hon. member for Hertfordshire, was not to infuse fresh blood into the borough by letting in the freeholders of the vicinage, but to deal with East Retford as they had with Grampound; and then, by giving the franchise to the neighbourhood, to create a new representation.

Mr. *N. Calvert* said, that his object was, to give the franchise to the freeholders of the hundred in which East Retford stood, and who were about two thousand in number; and also to continue it to such of the freemen of East Retford as were rated at 20*l.* a year to the poor rates.

Mr. Secretary *Huskisson* said, that did go, in fact, to annihilate the borough, as in the case of Grampound, inasmuch as it transferred the right of the voters to the hundred of East Retford, and created a new right in the borough. He did therefore wish that further time should be given; because he thought the hon. member for Hertfordshire's motion was entirely different from the instruction to the committee, which was:—"in order to prevent all unlawful proceedings, and that the borough be duly represented." He maintained, however, that it would no longer be represented if this motion were agreed to, and that the motion called on the House to transfer the franchise to the neighbouring hundred. Under these circumstances, he felt a great difficulty, and wished that the decision on this question should be postponed. As to the insertion of Manchester in this bill, it would be irregular, because another bill had been sent up to the Lords, which might pass, and in which Manchester was also inserted. The better way, therefore, was to postpone the decision until the fate of the other bill should be known.

Lord *W. Powlett* said, that the hon. member for Hertfordshire wished still to preserve the franchise to those freemen who were rated at 20*l.* a year, although they had been the most corrupt persons in the borough. If ever there was a case of gross corruption, it was this; and he would therefore vote for the original motion.

Mr. Secretary *Peel* said, he wished to make a few observations in reply to the remarks of an hon. member opposite, in reference to what had fallen from him (Mr. Peel) as to a compromise, and affecting his own personal character, which he felt more deeply concerned for than for any constitutional question. He denied that he held out any particular compromise. It might be true, that he had said he would give no opinion as to Penryn, until he knew what was done with East Retford, because he knew that the policy of the whole measure depended on whether there was one or two places to deal with. He denied, however, that he had entered into any compromise, which bound him to a particular case. If there was one borough only, he claimed a right to say whether he would dispose of it to the hundred, or to a great town. He left the hon. gentleman to the care and conduct of his own bill; and he had, in an early part of the evening, objected to the words of the preamble, that it was not carrying into execution the resolution of the House. He had told the hon. gentleman, that he objected to his proposition of giving the right of voting in East Retford to the freeholders paying 20*l.* to the poor rates. The hon. gentleman had brought forward his proposition, and, because there was a rumour of a certain peer abandoning his bill, he (Mr. Peel), forsooth, was to alter his course as to the bill before the committee. He denied that a mere rumour of this kind furnished grounds which ought to govern that House. He denied that he was under any obligation to pursue a particular course, as to the appropriation of a particular franchise; though he voted for the transfer of the elective franchise from Penryn to Manchester, he was not thereby bound to vote, on all future occasions, on a similar principle. Whatever other branches of the legislature might decide, this House was free. He was now told, that East Retford was to be given to a town, and Penryn to the hundred; yet how did he find this question discussed last session? When it was proposed to throw open Penryn to the hundred, it was negatived by a majority of two to one. On the third reading of the bill, the House decided by a majority of four to one, that the hundred had no claim to the privilege. With respect to the expression used by the hon. member for Preston, of "miserable compromise," that hon. member might employ what epithet he pleased, but he should take care that it did not attach to those whom he might feel disposed to honour. In the Grampound case, which was one of notorious corruption, Mr. Canning voted for transferring the elective franchise to the hundred. In the case of Penryn, Mr. Canning voted for transferring the elective franchise to the hundred. On what ground, then, could the hon. gentleman charge him (Mr. Peel) with monstrous and unconstitutional doctrine, when, on one occasion he supported the transfer of the elective franchise to a great manufacturing town, and on another, the transfer of it to the hundred? Many specious arguments had been resorted to to recommend the invariable transfer of the elective franchise in such cases as the present, to great towns; but if those arguments were pushed to the extent of which they were susceptible, the conclusion would be, that parliament ought not to wait for the opportunity which the discovery of corruption in a borough afforded; but ought to admit great towns immediately to a participation in the elective franchise. For his own part, he was by no means prepared to admit that, in all future cases of corruption, the transfer should be to great towns. A perseverance in such a principle would diminish the just weight and influence which the landed interest ought to possess. He thought he should best discharge his duty by holding the balance as steadily as he was able between the two interests. If that was a miserable compromise, he should not be ashamed of having the term applied to his conduct.

Mr. *Stanley* said, he gave the right hon. gentleman full credit for acting from the most conscientious motives: but, he must repeat, that comparing the right hon. gentleman's course that night with what he had held out on a former occasion, his parliamentary conduct was not consistent. The right hon. gentleman had said, that he was not bound by any declaration made at a former period. If not, what avail was it, before dealing with the present case, to see how the other was disposed of by the Lords? The right hon. gentleman gave it to be clearly understood, that he was disposed to give one borough to the one interest, and the other borough to the other interest. In the same breath in which the right hon. gentleman denied that he had made any compromise, he recommended waiting, until it should be ascertained what the other House had done with the other bill. What was that but a compromise? He was opposed to waiting. To go on without such a reference was the constitutional doctrine. As to Mr. Canning's vote on the Penryn question, that was no compromise. He might, perhaps, have expressed himself too strongly when he used the words "miserable compromise;" if so, he was sorry for it; but he must still maintain, that the right hon. gentleman's conduct was a compromise of constitutional principle. Mr. Canning had been guilty of no compromise; he had voted as he had done, because he thought there was not sufficient evidence to justify him in voting otherwise.

Mr. *Peel* said, he must again positively deny, that he made use of any words which pledged him as to the course he should pursue, if the two places were to be disposed of. He might have contended hat one ought to go to the hundred, and another to a great town; but he denied that there was any compromise upon the subject.

Mr. *Wynn* said, he was bound to declare that, although he might have argued erroneously, he had understood his right hon. friend distinctly to state, that if there were but one borough to deal with, he would vote for the transfer of the elective franchise to a great town. In his opinion, the House ought, without any reference to the course that might be pursued by the other House, to send up to that House bills, alternately transferring the elective franchise to a borough and to a great town. It was now pretty well understood, that the Penryn bill was not expected to be returned to that House; and if, on the disfranchisement of East Retford, the franchise was not transferred to a populous place, the country would conclude that the House had given to the popular interest the weaker case, Penryn, and reserved the stronger, East Retford, for the purpose of serving another interest. On these grounds he should vote for the original question.

The House divided—For the Amendment 146:—Against it 128:—Majority for the Amendment 18.

NAVY ESTIMATES.] The House resolved itself into a Committee on the Navy Estimates. On the vote of 438,250*l.* to complete the Half-pay of Naval Officers,

Mr. *Hume* remarked, that, if the House was at all disposed to deal with the estimates as they ought, this vote would attract its attention. When he stated that the year before the last French war, the whole charge of every sort for naval half-pay was 172,900*l.*, and that it now amounted nearly to 1,100,000*l.*, including only the two items of the half-pay, and the superannuations, pensions, and allowances, the House surely would not disregard what he was saying. This was the only branch of the public service where the expense was unlimited by parliament, as the king or the lord high admiral might add as much as he pleased to it, by giving commissions to young officers, who became, by their half-pay pensioners for life on the public purse. The excessive number of the officers in the navy was quite appalling. There were altogether five thousand five hundred and fifty-eight officers in the British navy, but the whole number in effective service was but eight hundred and forty, there being only one out of seven in actual employment. The consequence must be, that the dead-weight would go on increasing, and the public could have no hope of relief. Last year two hundred and fifty-two officers were added to the list, exceeding by forty-four the number who were, by death and other means, removed from it. He would not refuse promotion to officers engaged in such a battle as that of Navarin; but it was too much, that with two hundred admirals, one thousand six hundred captains and commanders, and three thousand six hundred lieutenants, there should have been an addition of one vice-admiral, one rear-admiral, thirty captains, seventy-nine commanders, and one hundred and forty-nine lieutenants in the course of last year. If there was any one branch of the public service that required to be put under proper control, it was this. Nothing but an absolute prohibition on the part of that House, could prevent the prevalence of that influence which was successfully exerted in the appointment of new officers in the navy. He, for one, protested against this practice in the present state of the country, and he could not believe a word ministers might say as to their regard for economy, until they prevented the growth of this evil. Had not the people of England a right to complain when the dead-weight was greater now in the fifteenth year of peace than it was the year after the war, when we had one thousand ships at sea? This was a reproach to government, but ten times more a reproach to that House; and nothing could account for their conduct, but the fact that their connections participated largely in the benefits derived from this abuse. It was notorious, that the members of their families were pensioned by these means; and nothing else, he believed, could have induced them to support such a system so long. Every year he had been calling on the House, in vain, to do its duty, and, while the numerous class of men, living as pensioners on the public taxes, was increasing, year by year, he would go on protesting against so wanton an expenditure of the public money.

Mr. *Maberly* said, the question was, whether there was to be any reduction at all in the public expenditure? If there was, the House should attend, in the first instance, to the unlimited power of the Admiralty. He would say more, but that he looked with anxiety to the labours of the finance committee.

Admiral *Evans* said, that, if the hon. gentleman thought that, with a reduced navy, they could maintain the country against the other powers of Europe, they might, discarding all gratitude for past services cut down the estimates to their notions of economy. As to the promotions, did they suppose that age would not affect naval men, as it did all others? Young men must be brought forward; otherwise, if a war took place to-morrow, the navy would be found filled with old men, unfit for the toils and perils of the service. It was easy for gentlemen, who had lived during the war in comfort and composure, while the navy were defending them from invasion, to talk slightingly of the debt of gratitude they owed to that service; but let them not, by mistaken reductions, impair its efficiency, when it would again become necessary to them.

Colonel *Davies* agreed with the gallant admiral, that it was hard that an officer who had served his country bravely in war, should pine in want and obscurity during peace. But the amount of the dead-weight was a matter of serious importance. In the army it was nearly three millions, and in the navy upwards of one.

Sir *G. Cockburn* contended, that a fair proportion of old officers had been brought forward in the recent promotions; but it was a principle he had always maintained, and in which he had been supported by that House, that a certain portion of young officers should be included with them. Among the lieutenants recently made, there was a large proportion of midshipmen, who had passed their examination in 1815. It was absolutely impossible to refuse promotion to those who were in constant service, or to such claims as arose from events like the battle of Navarin, or from exposure to climates, like the coast of Africa or the West Indies. It would require a hard heart indeed to tell men, on their return home, after years spent abroad in such places as these, that they should not be promoted. He would not argue the question by reference to the feelings of the House, because he knew by experience that he could carry them with him; but he acknowledged, as one of pure policy, it was attended with great difficulties. When he was told by the finance committee, that he should have a whole day to settle this point with them, he was prepared to tell them, with as much freedom as he might assume, that this was as fair a question as they could, in a room by themselves, dispassionately examine and discuss. He trusted they would then make a report; and he had no doubt that the House would deal with it in the way that would become them, feeling for the individuals, and yet having due regard to the finances of the country.

The several resolutions were agreed to, and the House resumed.

HOUSE OF LORDS.

Tuesday, May 20.

Penryn Disfranchisement Bill.] Counsel being called in, Mr. Harrison stated, that he did not intend to offer any evidence to their lordships against the bill, as he conceived no case had been made out for disfranchising the borough of Penryn. He should therefore leave the case to their lordships' justice. The Earl of Carnarvon said, he should, after the holidays, move the second reading of the bill.

HOUSE OF COMMONS.

Tuesday, May 20.

Usury Laws.] Mr. *Poulett Thompson*, in rising to move for leave to bring in a bill to amend the Usury Laws, said that, in laying his proposition before the House, he did not intend to go fully into the general question; but, as there were many hon. gentlemen now in the House who were not members when the subject was last discussed, he felt it his duty to make a few general observations. He much regretted that the task of bringing the question before the House had not fallen to the lot of an individual more competent than himself; but when he considered the crimes and evils which these laws produced, he was anxious that some course should be adopted to mitigate their severity. Honourable members were aware that, in the year 1818, when Mr. Serjeant Onslow brought forward a similar bill, a committee was appointed for the purpose of examining into these laws; and to the evidence taken before that committee he should have occasion to refer. He much wished that his majesty's ministers had redeemed their pledge of bringing forward some measure for amending the state of these laws; but, as they had not thought proper to do so, he trusted that he should be backed with their support and authority, in carrying the bill he had now to propose through the House. When he looked at the evidence taken before the committee of 1818, composed, as that committee was, of individuals of all parties and all ways of thinking, he did hope that a different result would now be arrived at. It would be seen that, on that occasion, twenty-one witnesses were examined; of these eighteen were of opinion that the laws as they stood were inoperative, and required alteration; and of the remaining three, two were melancholy instances, how far old prejudices could pervert and enchain men's minds. The third Mr. Gurney, had, with a candour becoming his honourable mind, allowed him to name him as one whose opinion had since suffered a change. That gentleman had acknowledged that if called to their bar, he would, after what had occurred in a period of such difficulty as that of 1825, give a very different opinion as to the propriety of repealing the Usury-laws. It was fortunate for his motion, that at this moment several circumstances conspired to render the experiment safe. Amongst others, the rate of interest on money was lower considerably than the legal rate of interest. In 1826, lord Liverpool said, in the House of Lords, that "he was, notwithstanding all that had recently occurred, aware that there were many obstacles in the way of abrogating these laws, as they were connected with a particular interest in the community. The question was not one of any difficulty whatever on principle, and it was obvious to all, that the present state of the law could be defended on no solid basis." The truth was, that the enactments against usury had originated, not so much out of a regard to commerce, as to religious and pious scruples. It was adjudged, by the tenets of the Romish Church, to be impious to take a higher rate of usury than that sanctioned by law. In process of time the legislature consolidated the laws on the subject. This act, passed in the time of queen Anne, was intended to keep down the rate of interest; the preamble of it stating, that as the present rate of interest in England was known to be higher than it was abroad in maritime countries, it had induced persons to withdraw themselves from foreign trade and commerce. The argument so often referred to in similar cases, as to the antiquity of the law, was one to which he could not, in these enlightened times, give much weight. No one would, in these days, contend that, because a law had been in force for three or four hundred years, during a state of society which might, as respected trade and commerce, be considered almost a primitive state of society, it should be continued, on the ground of its being an ancient law of the realm. At that time there were religious scruples afloat on the subject, more particularly as the lending of money, or usury, was confined to a despised and outcast people—the Jews or Lombards. In our improved state of commercial intercourse, money had changed hands. It was then known, that there were no persons so reckless of consequences as the prodigal, and the laws were framed to save that class from the rapacity of the Israelites in that day. In order to show the pernicious operation of the Usury-laws, the hon. member referred to the case of Howard and Gibbs. That firm, now bankrupt, had made 20,000*l.* or 25,000*l.* a-year by lending money to prodigals. No less than two hundred causes had been brought into court as connected with their transactions, and fifty or sixty respectable individuals wholly ruined by lending them money at rates of interest which they were not aware was illegal. But the unjust operation of the Usury-laws would appear more distinctly, by putting a case. Suppose a man were to die, leaving three sons, and to each of those sons 10,000*l.*; the first in land, the second in houses, and the third in cash: the consequence would be, that the two first might make as much interest as they could of their property, while the last would be thrown into jail and ruined, if he took a single farthing over the rate allowed by law. It was in vain to think of keeping down the rate of interest by legal enactments, as every day's experience proved. At one period, the legal interest in Livonia was six per cent, and the market interest was six per cent also, till the government reduced the legal rate to five per cent, and then the market rate rose at once to seven. Besides, as necessitous men must obtain money upon almost any terms at which it could be got, if there were laws to be evaded they must pay for that evasion. A man who wanted to borrow 8,000*l.*, applied to another, who sold out to lend it to him, the debt being secured by an annuity of 766*l.* There occurred between the sale and the conclusion of the transaction, a difference of 1,202*l.* in the value of the stock, which he had to make good, besides a sum of 504*l.* for legal expenses. In Hamburgh and Mecklenburgh, where the landed interest were still more in the habit of mortgaging their estates than here, there was no legal rate of interest fixed, and the consequence was, that it was in general more steady than in other countries, though sometimes, in cases of extraordinary commercial difficulty, it rose as high as ten per cent. He was aware it might be said, that this was a dangerous state of things, for the lender might take advantage of the time when the rate was highest to demand his money. No such occurrence, however, had ever come within his knowledge, though he had made every inquiry on the subject, during a residence of ten years in that country. The fact was, that though, in cases of extraordinary commercial necessity, money might be worth that interest to commercial men, no legal investments were ever made, at such a moment, or upon such terms. This brought him to consider how the Usury-laws operated to aggravate distress at periods of extraordinary pressure. Upon this part of the subject he should refer to the language of the deputation from Manchester in 1826. They declared to lord Liverpool, that they were all substantial men; that they wanted no assistance, if the government would repeal the Usury-laws; and it was only on the refusal of the government to comply with this request that they applied for an issue of exchequer bills. It was well known also, that during the panic in 1825, as much as fifty and sixty per cent was given for money secured on the public funds. He knew that in the city, though good bills were now done at two and a half per cent, small tradesmen were charged at the rate of twenty or thirty; and he knew of one house alone which made 5,000*l.* or 6,000*l.* a year by such transactions. During the panic in 1825, the rate of interest rose in Hamburgh to ten per cent, but as there was no impediment from the Usury-laws, the market soon found its level, and in the course of a few weeks the interest fell to four and a half per cent.—There was another case which he should mention, in reference to the effect of these laws upon partnerships. A banker of his acquaintance had a son whom he wished to succeed him in the firm, from which he was himself retiring. He wished at the same time to leave about 50,000*l.* in the bank at the legal interest, the better to secure the succession of his son. The whole arrangement was almost concluded, when a solicitor interposed, and cautioned the parties, that it was an usurious transaction, the father having derived from it, besides the legal interest, the additional advantage of providing for his son.—But in addition to these objections was the severity of the penalties upon those who infringed the law. He was himself aware of a case in which a house was committed in the penalties for an usurious error in the sum of 32,000*l.*; the penalty amounted to 96,000*l.* In fact, the penalty was not only double the sum on which the usurious transaction arose, it included all other sums which could in any way be connected with that transaction.—In point of fact, so severe were these laws, that it was with great difficulty they were carried into execution. Judges might charge juries to convict under them, but these latter were generally found slow to comply. In a case which came before lord Ellenborough, the guilt of the defendant, upon a charge of usury, was beyond doubt. The jury however, found the man not guilty. Lord Ellenborough, in surprise, told the jury, that it was a case of undoubted usury, and that he could not understand their verdict. The foreman, who was brother-in-law to an hon. member of this House, replied, "We know not what your lordship may call usury, but what is charged upon this defendant is no more than every merchant in the city of London does every day."—For the repeal of laws so injurious and so unwise he hoped he should have the support of his majesty's government. He did not propose to repeal the Usury-laws altogether, but to modify them. Under these circumstances, the plan which he should propose was, to do away with that part of the law which voids the engagements entered into upon any rate of interest above that which the law admits, and to change the present penalties, allowing persons only to sue for the legal interest of five per cent. The immediate effect of this would be, to afford great relief to persons whose necessities might require immediate advances. The next advantage would be, that individuals, being no longer liable to pay the enormous penalties given by the present laws, but only the additional rate of interest above the legal rate of interest, would be ready to advance money, on higher terms than the fixed rate, to those individuals of whose moral character they were secure, and whom they believed to be too honourable to take advantage of the law over them. The next, and perhaps the greatest, advantage of all was, that it would put the transactions of commerce on a footing of security, and would give them a stability which it was impossible they could acquire under the present law. Besides this, no one, under the amended law, would be able to turn the misfortunes of individuals to his own profit, and to procure from them grinding engagements for a long term of years; because individuals thus called upon to pay money might at any time bring their cases into court, and get the usurious interest avoided. A prodigal, too, who was anxious to raise money, would not render himself a beggar for life by borrowing money at an extravagant rate of interest, which was to continue for years. He would no longer be obliged to resort to Jews and money-lenders, who did their dirty work in corners; but, by the open competition in the market, would be able to get rid of his necessities without allowing any body to take advantage of them. He was aware of the value of precedent in all legislative measures, and therefore he would say, that he found precedents for the course which he was going to pursue, not only in this country, but almost in every nation of Europe. In the court of Chancery a plaintiff was often told, "You shall be entitled to no usurious interest, but to your capital with the legal interest calculated from the day on which the debt was originally contracted." In all foreign countries the Usury-laws, if not formally, were at least virtually repealed. In France, Holland, and Russia, there was a fixed legal rate of interest; but he believed that in all of them the discount of bills was permitted at a much higher rate of interest; indeed, in the government Bank of Russia the discount was whatever they could get; which, however, was regulated by the market value of money at the time. If such a system had been advantageous in other countries, he hoped it would also prove advantageous in this. He trusted that the observations he had urged would be sufficient to induce the House to give him the leave for which he was then moving. He had endeavoured to anticipate all the arguments which might be urged against his measure; and he believed he had now left none of them unrefuted, except that which stated, that this was not the proper time for bringing it forward. Not the proper time! Why, if ever there could be a proper time, it was the present. The market-rate of interest on mortgages was only four per cent, and on good bills only two or two and a half per cent. It was so much below the legal rate of interest, that he did not conceive that any change in the law could create a detrimental rise in it. He therefore submitted his bill to the House in the hope that it would be found worthy of its support. It was either a good bill or a bad one: if it were a good bill no time ought to be lost in carrying it into effect; if it were a bad one, the sooner the House got rid of it, the better. The hon. member, after recapitulating the advantages which he anticipated from his bill, and after drawing a pathetic picture of the misery, poverty, and ruin, which the existing law had inflicted on many opulent and respectable persons in the year of the panic, concluded by moving for leave to bring in a bill "to amend the Usury Laws."

The *Chancellor of the Exchequer* said, that having intimated to the hon. gentleman, that it was not his intention to oppose the introduction of the bill, he should not have said a word on the present occasion, had he not been informed that it was the determination of some gentlemen, who were opposed to any change in the Usury-laws, to enter that evening into a discussion of their general policy. Now, with all respect to those gentlemen, he would advise them to postpone the discussion until they had the measure in a distinct and substantive shape before them. He thought that it was impossible for any man who had attended to the speech of the hon. member, to shut his eyes against the great inconveniences which resulted from the Usury-laws. It was impossible to hear of commercial men being innocently subjected to the payment of enormous penalties, without feeling that the hon. member had made out a case, which rendered it imperative on the House to consider whether it could not devise some amendment for so defective a state of law. For these reasons, he should offer no opposition to the motion. In making that declaration, he reserved to himself the right to discuss at some future period the amendments which the hon. member proposed to make in the existing laws, with a view of seeing how far they were calculated to meet the object which he had in view, and to avoid the evils which others anticipated from the total repeal of them. With these observations he should have ended, but as the hon. gentleman had thrown out a censure upon government for not introducing some measure upon this subject, he would make one or two remarks. The hon. member would do him the justice to admit, that when he had first asked him whether it was the intention of government to come forward with any measure to effect that object, he had not given the hon. gentleman a decided refusal, but had told him that, as he had been recently placed in his present situation, he had too many engagements to fulfil, to give the measure the consideration which it deserved; but that, if the hon. member would postpone the agitation of it till next session, he would, in the interval, consider it deliberately, and be prepared to point out the means by which the evils of the Usury-laws might be avoided, or the laws themselves repealed. He consented to the introduction of the bill, stating at the same time, that it would be satisfactory to him if those who favoured the Usury-laws would defer the discussion of their policy to another opportunity.

Sir *R. Heron* said, he was ready to agree to the mitigation of the Usury-laws, provided that mitigation did not amount to an actual repeal of the laws themselves. It appeared to him to be quite impossible to pass a bill like the present, without affecting the landed interest most materially. Mortgages must be affected by the change which would take place in the value of money on the repeal of those laws. The impression made on his mind by a perusal of the evidence taken before the committee in 1818, was unfavourable to the repeal of the Usury-laws, and was principally created by the evidence of Mr. Preston; no mean authority on such a subject. If there had been no Usury-laws, he believed that, during the panic of 1825, some individuals might have escaped from the ruin in which it involved them; but he likewise believed that more persons would have been ingulfed in it, who, owing to the existence of the Usury-laws, were saved from it by the benevolence of their friends. Those kind-hearted persons knew that, under the existing laws, money could not be raised by those for whom they felt interested, and therefore they came forward liberally; but had they known that their friends could raise the money at forty or fifty per cent., they would never have raised a finger to help them. In Holland, where there were no Usury-laws, men of opulence, on retiring from business, became, as it was termed, insurers: they left their capital at immense interest in the firm from which they retired, and thus realized a great profit without incurring any risk. The same would be the case in England, were the Usury-laws repealed. The public would then lose the security of the great merchants in whom they confided at present, and would get in their stead an inferior set, in whose hands the commerce of the country would fall to decay, as it had done in Holland since the repeal of the Usury-laws.

Mr. *Martin* condemned the Usury-laws. They took money out of the pocket of the borrower, without putting it into that of the lender; the only person who was benefitted by them was the inferior description of attornies and agents. He wished the government would deal fairly between the landed and commercial interests on this question. The landowner was unrestricted as to price in every article which he produced. If the poor were starving, and corn selling at a guinea a bushel, the government would not pass a law to prevent the agriculturist from selling corn at that price. He did not see how they could continue the present Usury-laws, if they acted consistently, without imposing a *maximum* on the price of corn, as well as upon the price of money.

Mr. *Cripps* said, he had regularly opposed the bill of a learned serjeant on this subject, because it went to the total repeal of these laws, which he conceived would create a perfect revolution in pecuniary matters. But he was inclined to support the present bill; because, without going so far as the learned serjeant's, it was calculated to correct most of the evils of the present system.

Sir *J. Sebright* was convinced, that of all classes of the community the landed interest was that which suffered most from the present Usury-laws. A landholder, if he wanted money, could not procure it when the funds paid an interest above five per cent. He was, therefore, obliged to borrow it at a higher rate than the legal interest, from some individual who was willing, from the increased profit, to run the risk of the penalties, or to borrow it on annuity, which he knew had been the ruin of many country gentlemen. Why money was not to be dealt with like any other commodity, he could not conceive. Every man was allowed to get as much as he could for his corn, or for the use of his house, or for the rent of his farm; why should he not be permitted to do the same for his money? He would support the motion, because he conceived those laws to be injurious to all classes of the community, but more particularly to the landed interest.

The *Attorney-general* said, that all the former bills which had been introduced upon this subject went to the total repeal of all restrictions upon the interest of money. They were founded on the theoretical principle, that, as all other articles of trade found their own level, so too would money; and thence it was inferred, that it was unwise and impolitic to fix any certain standard of interest. He had studied this subject with great attention, and was deeply impressed with the conviction, that great oppression and injustice would arise from the repeal of the Usury-laws, and that a right to take interest upon money *ad libitum* ought to be opposed. Now, the principle of the present bill was, not to take away a fixed rate of interest, but to mitigate the penalties for taking interest above that fixed rate. He was ever open to conviction from the statement of able persons; and the hon. member for Dover had that night established his claim to the title of an able person on this subject, and he would therefore give the hon. member's bill the best consideration in his power. He would confine his observations to the other part of the hon. member's bill. Suppose that you preserve a fixed rate of interest, beyond which your laws permit no one to go, it may be worth your while to consider how you are to enforce your law. At present you can only do it in two methods; the first by suing for the penalties, and the second by rendering void the instrument which secures the illegal interest. He admitted that many cases of grievance had arisen under the existing law, and he should wish to see them remedied. It was one thing, however, totally to repeal the Usury-laws, and another to mitigate their oppressive penalties in particular instances. If he could preserve the principle of the Usury-laws, and prevent their abuse, he would support such a measure of improvement. He could not, however, agree to take away the plan of a fixed legal interest, unless he saw his way clearer than he at present did, to a measure equally beneficial to the public.

Mr. *W. Smith* thought that, if the bill only went as far as the Attorney-general was disposed to give it his sanction, it might as well not go on at all. An hon. baronet had alluded to a case in which, at a period when the difficulty of raising money was extreme, the friends of the individuals in distress had come forward to their relief, to prevent them from being compelled to accede to the terms of the usurer. But he would ask the hon. baronet, did he not consider that there was still in this case a loss and risk? There was a loss and risk to the friends of the parties.

Sir *R. Heron* begged to state that he never did say any such thing. What he did say was simply, that at a particular period of great commercial distress, the friends of the sufferers had come forward to save them from the misfortunes consequent upon that period of distress, but that if the Usury-laws had been repealed, those persons would have been left to their own resources.

Mr. *W. Smith* contended, that, even with his explanation, the hon. baronet had only shifted the burthen; for it was perfectly evident that there was both loss and risk in the transaction. He could not see that the slightest degree of injury would result from the modification or repeal of these laws. It was beyond dispute, that the man in extreme distress must get money at whatever rate he could.

Mr. *Robinson* said, he was anxious for the repeal or modification of the Usury-laws. The former he should prefer, and he hoped his hon. friend would not get into greater difficulties than those he wished to avoid, by consenting to take a qualified course. From a twenty years knowledge of extensive commercial transactions, he could speak to the injurious tendency of these laws. They operated most injuriously both upon the commercial and landed interests. Why not leave money, which was the very essence of trade, like any other commodity, to be regulated by the necessities of the borrower and lender respectively? Each could bargain according to his sense of the value of the money to him at the moment; and what would there be unfair in the principle of such a regulation? In arguing this question, it would be wrong to throw out of view the great difference between the scale of the money transactions of the present day and that which influenced these laws in the reign of queen Elizabeth. If he understood the hon. gentleman's proposal, it was that nobody should be compelled to pay more than the legal interest in a court of law, but that there should be no penalty upon demanding more; and that in the event of an agreement at a higher rate, there should be only an honourable obligation to pay this higher rate of interest upon the part of the borrower. This, he feared, would prove a temptation to a fraudulent party to such a transaction, to bring the matter into a court of law, and so get off the obligation.

Mr. *Calcraft* said, that if he had not, on a recent occasion, declared his intention to oppose the repeal of the Usury-laws, he would not—finding that the proposal of the hon. gentleman was so different from what he had expected—have thought it necessary to say anything. He would give the hon. gentleman's proposal a fair and deliberate consideration, and as it did not touch upon that part of the subject which he had feared it would, he should support it if he could. At the same time, he considered himself perfectly free. The subject was surrounded with difficulties. He was decidedly opposed to the repeal of that part of the laws which applied to loans of money upon mortgages. The cases stated by the hon. member were extreme, and should be regarded as exceptions, rather than examples; but still, if that part of the laws to which he had alluded was preserved, he saw no objection to the proposal of the hon. mover.

Mr. *Baring* said, he had always voted for a repeal of these laws, and would support this measure, though it did not go to the full extent of former motions for a similar purpose. He hoped the middle course taken would conciliate the opponents of this measure, and therefore effect some practicable good. Indeed, he thought the proposed alteration preferable to the previous application for a repeal. If he understood his hon. friend right, he meant to retain the legal standard of five per cent interest, but to repeal the obnoxious and severe penalties, of leaving it open to individuals to make what bargains they pleased, with the knowledge, however, that courts of law would still recognize the maximum of five per cent, but without the infliction of penalties. It was strange that, while bargains at any rate of price could be managed in the market, this absurd exception should prevail regarding money, which was the medium of payment for every thing. He hoped that the sort of compromise held out would ensure the concurrence of all parties, and thereby operate as a wholesome reform in the old law.

Mr. *Sugden* considered the proposition of the hon. mover worse than an open avowal that his design was a repeal of the Usury-laws. What was that proposition? To leave five per cent still the legal standard of interest, but to abolish all the securities and penalties against those who violated the law. His opinion was, simply, that the law should either be repealed or enforced; but the hon. mover would not compel a dishonest man, who agreed to pay twelve per cent for the use of money, to perform his contract; he would allow this fraudulent party to go into a court of law, and cut down the creditor's demand to the legal standard. This was worse than the total repeal of all regulations on the subject. He wished the hon. gentleman would leave this question in the hands of government, who would digest a plan which might be produced next session, and would probably call forth the approbation of all parties. He would not consent to the repeal of the Usury-laws; as he was afraid it would be productive of great mischief both to the commercial and to the landed interest.

Mr. *Bright* could not see how the real difficulties would be met by the proposed arrangement of the hon. member; he was friendly to the motion, but would reserve his opinion until the bill was introduced.

Mr. *Maxwell* hoped, that the people of Scotland, which was more a debtor country than England, would have ample opportunity of knowing the nature of the intended change.

Lord *Althorp* said, he should have preferred an entire repeal of the Usury-laws to the measure now proposed; he nevertheless thought it would be a great improvement upon the old law. He could not agree with the learned gentleman, that it would favour dishonest at the expense of honest men, but the reverse.

Leave was given to bring in the bill.

PENSIONS ON THE CIVIL LIST.] Mr. *Hume* rose to call the attention of the House to the subject "of Pensions Payable out of the Civil List." He knew it was considered by common consent in that House, that the civil list when once settled, was not to be meddled with, until they were called upon, at the conclusion of one reign, to consider a new arrangement for another. But he had never concurred in that principle; because he found, that there never was any hesitation on the part of ministers to ask for the payment of the debts of the civil list, when they had accrued to a great amount. The House, he thought, had an equal right to ask, what was passing in the civil list. But though the House had, he thought, a right to interfere, he intended only to ask for an account of the pensions payable out of the civil list, in order that they might see whether the acts of parliament for the regulation of that list had been complied with, and whether there were not the means of providing for cases such as that which had lately occurred; as he thought that this was the source from which any allowance of this kind should proceed, instead of calling on the House for additional grants, in the present overburthened state of the finances. In the act of 1782, called Mr. Burke's act, there was an express provision, in the 17th clause, that the pension list, which was then very large, should be put under the regulation that only 1,200*l.* per annum should be added, until the aggregate amount should be reduced to 90,000*l.* yearly, and that it should not be competent for his majesty to grant pensions for the future to an unlimited amount. In Mr. Burke's celebrated speech on the Pension bill, he had well observed, that the power of giving pensions was granted to the king, in order that he might reward merit and talent, and not for purposes of corruption; and Mr. Fox, at a subsequent period, had maintained, that that House had a right to call for an account of the civil list, in order that parliament might be aware of the manner in which pensions were granted. Acting on that principle, he had, in 1820, moved "for a Return of the Pensions granted;" and in looking over that return he certainly thought that the king had exercised a sound discretion in putting some meritorious individuals on it; but he was bound to state that out of the sum of 92,000*l.*, which was granted in the shape of pensions, he could find but very few who had the smallest claims on the country, and that therefore they were to be generally taken as acts of grace and favour granted by the Crown to particular individuals. Now, amongst other names on the list, he found that of William Huskisson, with an allowance of 1,000*l.* a-year, to be suspended as long as that gentleman was in the receipt of 2,000*l.* a-year from any public office; and in this case he must admit that he knew of no other ground for the grant, but the great public services which that gentleman had rendered to the country. This, however, was a rare case. He therefore contended, that the pension list ought to be made up from the year 1820 to the present time, in order that the House might see in what manner the public money was disposed of, perhaps it might turn out that on these lists there might be some vacancy, which might be filled up with the proposed grant to Mr. Canning's family of 3,000*l.* a-year, and certainly; when the country was pressed on every side by financial difficulties, it was worth while to see whether such a grant as this could not fairly be put on the ordinary pension list, without making it an extra grant. The Irish list, in the year 1820, had amounted to 71,000*l.* a-year; and therefore the proposed pension to Mr. Canning's family could not be placed on that, as, by act of parliament, no pension of more than 1,200*l.* a-year could be granted to any individual, until the general amount should be reduced to 50,000*l.* a-year; and besides, he did not see how they could reasonably grant any thing further in the way of pensions, till they knew what had already been done, in order that they might guard against profusion. How there could be any opposition to this measure he could not conceive, unless government was afraid to let them know the names of those who were on the list; and on this point Mr. Burke had well observed, that the moment there was an attempt to conceal names, men naturally came to a conclusion that there was something wrong in the transaction. From such a list as he had been able to draw up, it appeared that one family had had, within four years, no fewer than seven grants made them, altogether amounting to 1,200*l.* a-year; and he must say, that when such grants as these were made, no one could say that suspicion did not attach as to the motive for which they were made [hear, hear!] By an act passed in 1810, no pension out of the Scotch pension list could be granted above 800*l.* a-year, until the list was reduced to 25,000*l.* a-year; but, in 1820, that list amounted to 38,000*l.*; and it was his opinion, if the House were to grant ministers 3,000,000*l.* a-year, instead of 200,000*l.* a-year, every shilling of it would be anticipated by them. If, however, it should appear, to the credit of government, that the lists were reduced within the scale he had mentioned, no doubt, in the course of a year or so, such a vacancy would occur as would admit of the proposed 3,000*l.* a-year. He also objected to the manner in which the civil list was voted: he wanted the particulars to be stated, and not upwards of a 1,000,000*l.* at once to be voted, out of which the lord Chancellor, the Judges, the Speaker of the House of Commons, and several others were to be paid. Another objection that he had to the vote was, that the amount had been settled at a period when the price of provisions and every thing else was at a very high rate; but as, since that period, the prices had fallen, he did not see why the same amount should be granted. Taking the general aggregate of pensions, including the military and civil pensions, no less a sum than 6,088,910*l.* was paid last year by the country; of course, that sum included the half-pay of the army. These being the circumstances of the case, he thought he had shewn sufficient parliamentary grounds, for moving, "That there be laid before the House a Return of all the Pensions granted out of his Majesty's Civil List of England from the 1st January, 1828; stating the names of the persons to whom they were granted, the amount of each grant, and the date at which the grant had been made; and also whether the grant was for life, or during pleasure. And that the same Returns should be made with respect to the Civil Lists of Ireland and of Scotland."

The *Chancellor of the Exchequer* said, it would not be necessary for him to enter into an explanation of that part of the hon. gentleman's speech in which he had stated that the pension list amounted to upwards of 6,000,000*l.* annually; because he himself had stated that he included, in that calculation, the whole of the half-pay; and the House would likewise understand, that it embraced the whole of the allowances made to those who had been wounded in the service of their country. He was quite willing to admit that it was a large amount, but he was sure the House would not be sorry that it was so large, when they remembered who were the meritorious persons to whom it was granted. Neither would it be necessary for him to say any thing upon what had fallen from the hon. gentleman concerning the amount of the civil list, as connected with the present cheapness of provisions, compared with what the price was, when that list was granted: it would be enough for him to remind the House, that the very basis of that grant was, that it should be unalterable, after the commencement of each reign, in order to prevent constant discussion on the subject. So that the question really was, not whether the civil list was adequate to any particular year; but that, having once been made, it should be continued as permanent, being neither open to the revision of parliament, nor subject to perpetual examination and alteration. Having said so much upon what might be called the ornamental part of the honourable gentleman's address, he would now proceed to apply himself to the graver portion of the subject. The hon. member commenced by observing, that he could not conceive what opposition could be offered to a motion of this description. The hon. member must, however, have a very short memory; for it was in the recollection of almost every gentleman, that, on a motion for a return of the allowances granted under the civil list, Mr. Canning gave that motion his decided resistance, upon the very grounds which authorised him in now resisting the hon. member's proposition. The hon. gentleman stated, that he called for the production of the pension list, in order to see, whether he could not make an alteration in it, so as to supersede the measure which had been introduced for a provision for Mr. Canning's family. The hon. gentleman was of opinion, that, if he could place Mr. Canning's representative on the present pension list, the public would be put to no additional expense; but that, if the course which government proposed were followed, the effect would be different. The hon. gentleman was altogether wrong in his proposition. The expense to the public would be precisely the same, whether the provision for Mr. Canning was made out of the pension list or out of the other fund allotted by parliament. The two funds were equally at the disposal of his majesty, for the purposes specifically mentioned in the acts of parliament. The pensions under the civil list were confined to 95,000*l.*, to be paid in pensions not exceeding 1,200*l.* a-year. But his majesty had also a right, with the concurrence of that House, to provide for meritorious public services out of the consolidated fund. This power was given to the Crown in consequence of the large quantity of patronage which had, some years ago, been withdrawn from it. Nothing, however, prevented his majesty, where the necessities of individuals who had served the State were represented to him, from granting to them an adequate provision. The provision to Mr. Canning's family would not add to the public expense; for the plan proposed by the hon. gentleman would, perhaps, only have the effect of superseding some person who had rendered efficient service to the State, and who must still be provided for. If, therefore, the hon. gentleman wished to raise any question, with a view to the granting to the family of Mr. Canning a provision to the amount of 1,200*l.* on the pension list, or whether the provision was continued in the course which government recommended, it would be equally granted by his majesty out of funds which were at his disposal, and no new charge would be incurred.—He had stated the necessity of not interfering with any arrangements of the civil list, and he thought that interference ought not to take place, until some necessity arose for an application, upon the part of the Crown, to enlarge the amount of that list. He might, indeed, say, that the House did not possess any right to inquire into the expenditure of the civil list, until that application might be made, or until the powers of granting pensions under that civil list were so much abused, as to justify their interference. Until some case of that kind arose, it was not right for honourable members to demand, or for the House to grant, any means of inquiry into the expenditure of the civil list. The hon. member had stated, that in 1820 the pension list was submitted to the House; but the hon. member ought to have recollected, that it was in 1820 that that arrangement was made upon which they were now proceeding; and as the production of the list was necessary to show the reasons for that arrangement, therefore it was given without resistance. No case of that kind, however, existed now; and, as he had not been able to point out any instance of abuse, there was no ground for the motion. Neither could he conceive that it was necessary for that House to go into all the details of the civil list, because some hon. members might entertain peculiar opinions respecting the propriety of some of the grants. The hon. gentleman had referred to Mr. Burke's act as an argument for the production of the pension list; but the slightest reference to that act must satisfy any man, that it was not the intention to have the pension list laid upon the table of the House. In 1782, the amount of pensions greatly exceeded the sum originally proposed, and it was provided by Mr. Burke's act, that no more pensions were to be given, until the amount had been reduced to a certain limited sum. It was undoubtedly true that the act required the pension list to be laid upon the table of the House, but it was at the same time obvious, that the list was to be so laid on the table, in order to show that the sum was brought to that amount which the act required; and the very fact of its being required at that time proved that it never was in the contemplation of Mr. Burke, or the House, to require the pension list to be produced, except in the case of some great abuse. On these grounds he felt it his duty to resist the motion for the production of the pension list of England. To the production of the pension lists of Ireland and Scotland, standing as they did upon the act of Mr. Burke, and not having been yet lowered to the *maximum* specified by the act, he could not object. He could not acquiesce in this motion, to its full extent, without giving up the principle of keeping the arrangement with the Crown inviolate, and of not entering lightly into an examination of all the details of the civil list expenditure. For these reasons he opposed the motion.

Lord *Althorp* said, he had listened in vain for any thing like a reason against the motion of his hon. friend. All that his hon. friend desired was, to know to whom pensions had been granted. The right hon. gentleman said, it was not desirable to bring the Crown into unnecessary contact with the House of Commons, upon the subject of the civil list. His hon. friend desired no such thing; he merely felt it his duty to ascertain whether certain sums had not been improvidently disposed of. The right hon. gentleman's arguments would go to the resistance of the production of the whole pension list; but he admitted that the Irish and Scotch lists could not be withheld. If, however, there was nothing discreditable in the expenditure, why should it be resisted? The responsibility of misapplying this fund must rest somewhere; but, if the right hon. gentleman's arguments held good, how was that responsibility to be ascertained? The right hon. gentleman maintained, that the list could not be produced, unless some case of gross abuse was pointed out. If, however, the list was not to be subjected to examination, how could members ascertain the abuse which was to warrant the call for a production of the list? Although these pensions were placed at the disposal of the Crown, they must be given under the responsibility, and by the advice, of ministers; and, therefore, the House had a right to demand such information as would enable them to ascertain whether the advice given was strictly followed.

Mr. Secretary *Huskisson* said, that if he could accede to the proposition, that parliament had it in its power to control the expenditure of the pension list in the way it thought fit, he might be disposed to agree to the motion. Parliament had, however, taken the matter out of its own hands; and, by declaring that 95,000*l*. was the extent of the sum which his majesty was to have at his disposal, at a time when a much greater amount was applied to the same purpose, and the power of granting pensions carried to excess, they had left it within the discretion of the Crown to apply that sum in the manner it thought best fitted for the purposes of the original grant. So much for the improvidence which had been charged against the Crown on this subject. Parliament had, however, at the same time, fixed the *maximum* of the amount which was to be expended in the distribution of pensions. The hon. gentleman had told the House, that there were only one or two of all these pensions which were not improperly granted. Did he mean to contend, that the House of Commons was to sit in judgment on every act of grace, or justice, or munificence, which the Crown might be pleased, in its wisdom, or in its liberality, to exercise towards the subject? If this list were to be called for, like any other account, when a pension happened to be granted, a considerable portion of their time would be employed every session in discussing the right of the Crown. The Crown did not act in this case without the assistance of responsible advisers; and, unless gentlemen could adduce an instance in which an improper application was made of this fund, it was the practice of parliament to presume that the Crown had been properly advised. For, though the claims might be those of benevolence, of grace—of favour, if they would—of liberality, of misfortune, would it not be quite unworthy of parliament to have the situation of individuals, whose cases had been introduced to the notice of the Crown by his majesty's responsible advisers, brought afterwards before parliament? He therefore would say, that, looking to the sense and spirit of the act of parliament, the pension list having been granted, they were not called upon to examine the manner of its appropriation. When he looked to the whole of that act, he found the doctrine now laid down fully confirmed. By Mr. Burke's act, it was provided, that when the list exceeded the annual limited amount, an account should be laid before the House of what pensions were granted. It was to be laid before parliament, not to examine whether any pension was a proper or an improper one, but to show that the check imposed by parliament was in force. It was quite clear the legislature meant, that the account should not be called for, while the list was kept within the limits prescribed by parliament, as was now the case. But the hon. member for Montrose went greatly beyond this. He said, that, since 1816, provisions had fallen in price, and money had risen in value; therefore, he would have the civil list revised. Why, he might as well go to the fourth class of the civil list, to the department of the lord chamberlain, and the master of the horse, and inquire how many quarters of oats were purchased, what the price was in 1816, what it was now, and what it was likely to be six months hence. If they proceeded on such a principle, they would, every session, be dealing with this list, which they were bound to keep inviolate. The civil list was granted for the life of the sovereign; and only in the unfortunate event which would call for a new arrangement of that list, could the hon. member bring forward with propriety the arguments which he had this evening used. They had, he contended, no right to touch this subject, unless where the Crown called for a new civil list, or where it was placed in the unfortunate situation of coming to parliament for relief. The hon. member proceeded on a wrong principle, when he wished to confine the civil list entirely to the king's personal service. He differed from the hon. member, and regretted that so many of the civil expenses of the state had been removed from the civil list. Would the hon. member wish that the payment of those who immediately represented the Crown at foreign courts should be taken from the sovereign and given to parliament? He would tell the hon. member, if he entertained such a wish, that this was a monarchy; and he should regret if any individual were authorized to state in a foreign country, that he was not the ambassador of the king of England, but the representative of the House of Commons. He wished those who represented the Crown, to look directly to the Crown, for the reward of their peculiar connexion with the Crown. In the same way, he liked to see the dignity of the Crown identified with the provision for the judges, and thus connected with the administration of justice, which then appeared to flow from the Crown itself. If they acceded to the doctrines of the hon. gentleman, they would bring the Crown into a dangerous personal competition with the House, and destroy the dignity, the splendour, the very existence, of sovereignty in the country. If the hon. member thought proper to rest his case upon the act of 1782, he ought to be bound by it; and if he was so bound, it was clear that the act was decidedly against the position he had endeavoured to maintain. In the case of the pension list of England, his assertions were completely disproved by the act; but with respect to the pension list of Scotland and Ireland, it was right that it should be laid before the House, until its amount was lowered to that *maximum* which parliament had prescribed. If the Crown, whenever a member pleased, was to be called upon to produce the accounts of the disposal of the pension fund, they would take away all the restraint which prevailed at present in the disposal of those funds. Let the motion be once granted, and they would have inquiries into the expenditure of the civil list, as extended and as frequent as into any of the details of the Excise board or the Customs. For these reasons, and because he could not consent to allow the hon. member for Montrose to sit in judgment upon every special act of munificence or of favour which the Crown might think proper to bestow, he felt bound to resist the motion.

Dr. *Lushington* said, the argument of the right hon. gentleman, if good for any thing, went to this—that the moment the civil list was settled, so it should remain, unless the monarch was obliged to come to parliament for relief. It was not, it seemed, to be inquired into, though the situation of the country rendered such an inquiry indispensable. Now, if the civil list had been fixed at 95,000*l.*, when the late king ascended the throne, what would have been the consequence, if the doctrine of the right hon. gentleman had been carried into effect? Why, for sixty years, during which the late king reigned, he would have had the command annually of 95,000*l.*, without the possibility of inquiry. The right hon. gentleman told them that, in this, as in every thing else, the Crown had responsible advisers. It was, however, a responsibility which, it appeared, was never called into action. Had a settlement taken place, with respect to the civil list, in 1761, it could not, according to the right hon. gentleman's doctrine, have been interfered with until 1821. Now, he never understood that it was consistent with the constitution, or that Mr. Burke had ever tolerated such a principle, as that the monarch might have, for a long series of years, the uncontrolled power over a very large sum of money, perfectly independent of parliament. If this fund were properly distributed, he could see no reason for withholding the account from parliament; and, when they found a system of concealment practised, it was but fair to conclude that the fund was not justly dealt with.

Mr. *Hume* said, with respect to the argument of the chancellor of the Exchequer, that the House should not interfere with the civil list, he would reply, that parliament did interfere several times during the last reign. In the first year of George 3rd the civil list was settled at 800,000*l.*; in the seventeenth year, 100,000*l.* were added; in the forty-fourth year the civil list received an augmentation of 70,000*l.*;

and in the fifty-sixth year it was altogether new modelled. It could not be, therefore, said, with these precedents before us, that parliament ought not to interfere with the civil list. The right hon. Secretary had said, that we should not interfere with ambassadors, because the government of this country was a monarchy. But, were their expenses not paid in the same way, and were they not equally under the superintendences of parliament as the military and other establishments of this country? It was said that the sum appropriated to this purpose was limited; but what means had the House of knowing that the limit was not exceeded, unless they were informed in what manner it was applied? The principle of Mr. Burke's bill of economical reform was, that parliament should be put in possession of the means of ascertaining whether or not a sum appropriated to any purpose had been exceeded. Without the information for which he now moved, it was impossible to know whether it was or not.

Mr. *Fergusson* regretted that he felt it his duty to vote for the motion. He regretted it, because he had every wish to support the present government, who were placed in a situation of difficulty, both with respect to foreign and to domestic affairs, to which few administrations had ever been exposed. But he could see no reason why the civil list of this country, as well as the civil lists of Ireland and Scotland should not be laid before the House. He was sure it would disclose nothing discreditable to his majesty or his advisers; and therefore there could be no reason for withholding it. The sum was given to his majesty for the purpose of rewarding meritorious servants; and the public should be satisfied that such services had been rewarded.

Mr. *Calcraft* said, he should resist the motion. This sum of 95,000*l.* had been voted at the beginning of the reign, for the life of the monarch; and if they were justified in moving for this, they would be justified in moving for every other item. Thus, all that had been done to avoid that scrutiny, which it was clear would promote any thing but good feeling between the king and his people, would be destroyed. Unless a case of abuse was shewn, or the king asked for an addition to the civil list, they ought not to call for these items. He could cite many constitutional authorities in support of his opinion.

Lord *Howick* said, he never heard a more extraordinary speech than that which had been made by the last hon. member. He said, that it was unconstitutional to inquire into the civil lists, and yet he had admitted, that the king might come down to that House, and ask for an increase of those lists. He would contend, that it was highly constitutional for them to see that this sum was properly disposed of. Responsibility was a complete joke if this information were refused. The hon. member told them, that they might apply for this information if they could show a case of abuse. What! show a case of abuse without the information, by means of which alone they could ascertain whether abuse existed? He had been told, on a former occasion, that he had displayed constitutional ignorance in saying that they ought to ascertain the amount of their income before they settled what their expenditure should be: but he still held the same doctrine; and the expenditure of five only of these 95,000*l.* was not necessary, for it was an improvident expenditure. In order to ascertain this point, he should vote for the motion.

The House divided: For the motion 52; Against it 131; Majority 79.

List of the Minority.

Althorp, lord
Baring, A.
Baring, B.
Baring, sir T.
Bentinck, lord G.
Bernal, R.
Bright, H.
Buck, L. W.
Colborne, N. R.
Davies, colonel
Dawson, A.
Duncombe, T.
Fazakerley, J. N.
Fyler, T. B.
Gordon, Robert
Guest, J. J.
Heathcote, R. E.
Heron, sir R.
Howick, viscount
Keck, G. A. L.
Kennedy, T.
Langston, I. H.
Leycester, R.
Lushington, Dr.
Maberly, col.
Marjoribanks, S.
Morpeth, viscount
Martin, John
Marshall, John
Monck, John B.
Nugent, lord
O'Brien, Lucius
Osborne, lord F.
Palmer Fyshe,
Portman, E. B.
Protheroe, E.
Ramsden, J. C.
Rickford, W.
Robarts, A. W.
Russell, John
Smith, Wm.
Sykes, Daniel
Stanley, hon. E. G.
Thompson, C. P.
Townsend, lord C.
Vyvyan sir R. R.
Warburton, H.
Whitmore, W.
Wilbraham, Geo.
Wood, John

TELLERS.

Hume, Joseph
Fergusson, R C.

SHUT OUT.

Taylor, M. A.
Fergusson, sir R. C.

LAW OF REAL PROPERTY—PROPERTY IN INFANTS.] Mr. *Sugden* rose amidst much confusion. He entreated the patient hearing of the House for a few minutes. He begged to remind them, that if they were sincere in their desire for legal reform, they could not prove their sincerity better than by devoting a portion of their attention to those who were willing, while they pointed out abuses, to furnish a remedy for them. When the present laws were first framed, and for some time afterwards, the system worked well; but new wants had arisen, and what the country now required was, that they should apply to the laws, the machinery of latter times, and take all the benefit of that machinery without its inconveniences. These were objects which he was very ready to promote to the utmost of his ability. One of the chief wants was a cheap and summary conveyance of property, which, in many cases, was extremely tedious and expensive. He would not enter into all the cases, but content himself with mentioning a few which ought to be provided for. If a man sold an estate and died before he made the conveyance, the court of chancery had not the power of calling on the heir of the deceased to convey. Lord Eldon suggested, that this should be amended; and it might be done very beneficially. Then again, in the cases of charity estates, it constantly happened that when they were vested in trustees, who must die in course of time, the replacing those trustees was attended with great expense both of property and time. He knew of a charity estate, the rent-charge of which was only 7*l.* a year. The commissioners directed that new trustees should be appointed; it became necessary to discover the heirs of the last trustees, which was attended with so much difficulty, that the expenses amounted to 600*l.* and no one was to blame. This sounded very like an abuse, but it was not one. If the property had been worth millions the expense would have been no more. This was one of the incidents to which property was liable. What he would propose was, that in the case of charity estates, a common petition should be presented for the appointment of new trustees; that a reference should be made to the master, who should be required to insert an advertisement in the London Gazette, and another in the paper of the county where the heirs of the late trustees were supposed to reside; and that if those heirs did not come forward within a month, or prove their pedigree within another month, then the court should have the power of appointing two new trustees. By this simple mode considerable benefit would be produced.—It had often been said, and always in ignorance, that the court of Chancery had immured within the fleet prison many persons who ought never to have been sent there. The fact was, that the rules of the court were the law of the court, and the chancellor had not the power of refusing to commit a man who had been guilty of a contempt. It was absurd, therefore, to blame the court for a practice which parliament alone had the power of altering. Many cases had occurred, in which men had been called upon to execute deeds; but, ignorantly believing that if they continued in prison they should not lose their estate, and that the court had no further power beyond committing them, they remained there for years. There was a recent case of a man, who, under this erroneous idea, had remained in prison thirty years, but being told by a gentleman of the bar how the matter really stood, he executed the deed immediately. What he would propose in such cases would be, to give to the court the power of performing at once what it had the power of compelling a man to do at last. If an order were made for the execution of a deed, and the man refused to obey that order, then let some officer of the court execute it. Of course the sanction of parliament would be necessary for this purpose. He believed that these alterations would go a great way towards remedying the evils which had been so long complained of. He would move for leave to bring in a bill, "for repealing the act of 6 Geo. 4. c. 74. relating to property in infants and lunatics, and amending the provisions thereof."

Mr. *H. Twiss* supported the motion, but trusted that the amendments projected by his learned friend went further than the mere measure before the House.

Mr. *Sugden* by no means intended that what he was doing at present should preclude him from going further: but he was anxious not to embark in too wide a field at once: for he was sure that whatever was done in haste would be done imperfectly.

Mr. *M. A. Taylor* was grateful even for the little good promised by this bill; but it would be necessary to go a great deal further. Upon the subject of the contempts of court, no complaint could fairly be made by persons who were only in custody because they refused to execute deeds which the court required that they should execute. But these matters were trifling points in a great system, which required thorough reform. Unless increased facilities were given generally to the suitors in chancery, the constitution of that court would remain perfectly unsuited to the wants of the public: and unless he received an assurance that it was intended to take some decided step to that effect, he should shortly feel it his duty to address the House specifically upon the subject.

Leave was given to bring in the bill.

CORN IMPORTATION BILL.] The House resolved itself into a committee on this bill. The clause fixing the scale of duties on wheat being read,

Mr. *Whitmore* moved, as an amendment, the substitution of the following scale:—"Whenever the average price of wheat, made up and published in the manner required by law, shall be 50*s*., and under 51*s*. the quarter, the duty shall be for every quarter 1*l*. And in respect of every integral shilling by which such price shall be above 50*s*., such duty shall be decreased by 2*s*., until such price shall be 55*s*. Whenever such price shall be 55*s*., and not exceeding 65*s*., the duty shall be for every quarter 10*s*. And in respect of every integral shilling by which such price shall be above 65*s*., such duty shall be further decreased by 2*s*., until such price shall be 70*s*. Whenever such price shall be at or above 70*s*., the duty shall be, for every quarter 1*s*. And in respect of each integral shilling, or any part of each integral shilling by which such price shall be under 50*s*., such duty shall be increased by 2*s*."

Mr. *F. Lewis* said that every argument that had been urged in favour of the bill was applicable in opposition to the hon. gentleman's amendment. The proposition would, if adopted, expose the public to a danger which it was not desirable they should incur. Although friendly to the principles of free trade, he felt that government would have shown an incorrect sense of their duty, if they had ventured, under the present circumstances, to propose so low a reduction of the duties. The question was not, whether the proposed system was the best possible system of Corn-laws for the country, under any circumstances in which it might be placed; but the hon. member must be aware, that the great transitions which had occurred in the price of corn for some years would render it dangerous to venture on so great a change as that which he had recommended. At a future period, it might be expedient to lower the duties. On that point he would give no opinion; but he was satisfied that they could not be safely lowered at the present time. Let it be recollected that last year (besides four hundred thousand quarters from Ireland) no less a quantity than five hundred thousand quarters of foreign wheat had been imported into this country. Now it appeared that, from the year 1697 to 1821, including two periods of frightful scarcity, there were only twelve years in which a larger quantity of foreign wheat than five hundred thousand quarters had been imported. This, among other considerations, satisfied his mind that to adopt the change in the duties recommended by the hon. member, would expose the public to great hazard.

The amendment was negatived.

Mr. *Portman* proceeded to propose the amendment of which he had given notice. He was anxious to impress on the minds of the committee the necessity of making a change in the list of places, where the average prices of British corn were to be taken. He strongly objected to the introduction of London into the list, because he was satisfied that it was not a place where the average prices of British corn could be fairly taken. The regulations respecting corn were formerly for the benefit of the consumer; they were now for the protection of the grower. But London was the worst place for the purpose of taking a fair average, because the large quantities of foreign corn which were sold here, and other circumstances, all had a tendency to produce an artificial state of things, as well as a great and unnatural fluctuation of prices. The influence of this was also felt, directly, or indirectly, in all the neighbouring counties. In his opinion, a change ought to be made in the mode of taking the averages. He moved, therefore, "That the word 'London' be struck out of the list of places where the average prices of British corn were to be taken."

Mr. *F. Lewis* said, it would be impossible to make so important an alteration, without changing the character of the measure. The hon. gentleman had, however, introduced some novelty into his argument; for they were now, it seemed, to look to the protection of the grower and to leave the consumer to himself. The legislature were bound to pay an equal attention to the interest of both; and he did not like to hear the distinction between them so broadly stated. To leave London out of the list of places, where the average prices of British corn were to be taken would be attended with much disadvantage. In the case of bad harvests for instance, and of a consequent scarcity and rise of price, the effect on the averages would be delayed by the omission of London as one of the places where they were to be taken, and the remedy which the legislature had provided for the evil would not be so prompt as it would otherwise be. It was also well known, that to appoint a multitude of places, at which the averages were to be taken, was the only security that could be adopted against fraud. The duty ought to be regulated by the immediate wants of the people; and London was the place which gave the most immediate indication of those wants. Foreign grain was not included in the averages, though grain from Ireland was, but this lowered the average only by 1*s*. London made a difference of only about 4*d*. in the averages.

Mr. *Curteis* maintained that the averages did not give the true price of grain in *bona fide* sales. They led the public to believe that the sellers obtained greater prices than they really procured. He wished to know if corn from the Isle of Man could be imported duty free, and if mixed corn were included in the averages.

Colonel *Sibthorpe* supported the amendment, and contended that the farmer never got the prices mentioned in the Gazette. He knew instances where corn was bought at 40*s*., and, after being kiln-dried and undergoing a process by the aid of brimstone, was re-sold at 56*s*., and the latter price was included in the averages. This was most unjust to the farmers.

Mr. *Benett* contended, that it was necessary to omit London in the averages, in consequence of the tricks constantly practised there, by which it appeared that the farmer got a much larger price than he really ever obtained. If the protecting duty was considered too high, it would be much better to reduce it than to retain this fallacious mode of settling the averages.

Mr. *F. Lewis* said, that neither corn from the Isle of Man nor mixed corn were to be included in the averages.

The committee divided: For the Original Clause 132; For the Amendment 36; Majority 96.

PENSIONS ACT AMENDMENT BILL—PROVISION FOR THE FAMILY OF MR. CANNING.] On the order of the day for the second reading of this bill,

Sir *R. Fergusson* said, he felt himself placed in a most difficult and disagreeable situation, by something that had occurred since the last time of his discharging his duty in the House. He referred to "an Account of certain Proceedings stated to have taken place on the bringing-up of the Report of the Committee on the Bill now under consideration." That account had taken a more authentic form than usual, and imputed to those who voted in the minority, on the grant to the family of the late Mr. Canning motives of a very improper nature. It was remarkable that the Report did not appear on the day after the proceedings, but on a subsequent one. In the account alluded to, the hon. member for Limerick was represented to have imputed to the opponents of the grant, motives of a very singular nature, and to allege, that they must be influenced either by a foolish idea of saving money, or by the personal feelings of the worst kind towards the memory of Mr. Canning. He knew not to which of these two classes he might be thought to belong by the hon. member, but contented himself with saying, that as an humble individual he had given his vote on that occasion with a clear conscience, and from upright motives—motives which he considered as honourable and defensible, as any that had ever influenced a vote in that House. God forbid he should follow the example that had been set, or attribute improper motives to any man for the observations alluded to; but if he could stoop to retaliation, perhaps those motives might be questioned. He trusted he might say deliberately then, that in reference to the character of that great and distinguished man (Mr. Canning), he should be the last person who would speak with any slight or disrespect whatever. When an attack had been made, and imputations thrown out relative to the motives by which he had been influenced in giving the vote which he did upon the subject in question—when he, in common with others, was taunted for the course taken by them on that occasion—he was justified in repelling the accusation; but he did not see that he was now called on to say one word in explanation of his reasons for giving that vote. In vindication of his conduct, he should merely say, that he gave the vote conscientiously, honestly, and uprightly; and he could not but complain of a transaction which took place in the absence of, perhaps, every member of the minority whose conduct was questioned; at least when few or none of them were present. The proceedings took place on the Wednesday and were not made public till the following Friday. An attack appeared to have been made on an hon. member by his noble friend, who he was sure made it in an honest feeling; but he had no doubt that attack was the worst judged in the world, even with reference to the character of Mr. Canning himself. He was sorry that any thing had been said, calculated to bring in question for a moment the character of Mr. Canning, for whose talents he had the greatest respect; at the same time, he could conscientiously say he was influenced in his vote by the purest motives.

Mr. *Spring Rice* said, he had hesitated offering himself to the House for a few moments, because he understood that there was another charge to be brought against him, which he should show arose from misapprehension, and which he regretted. He therefore wished to reserve himself until he had heard what that other charge was.

Mr. *Legh Keck* said, he was, he believed, the member to whom the hon. gentleman alluded. In the few observations he should make to the House, it was unnecessary for him to state that he discharged every personal feeling, and meant no disrespect to the hon. member for Limerick. His complaint was, that in the character of a member of parliament he had been subjected to imputations which he denied. In the independent discharge of his duty in that House, he had never assigned undue motives to others, nor acted from improper motives himself. If there was any imputed impropriety in his vote of Wednesday, he was ready to vindicate it; but he preferred that it should pass in silence. He had never given a vote which he was afraid to vindicate; and if necessary, no motives of delicacy towards any man should prevent him from speaking. He should preface what he had to say by declaring unequivocally an admiration of the talents of Mr. Canning, and a decided acknowledgment of his amiable qualities. A long acquaintance with Mr. Canning had satisfied him, that he possessed very amiable qualities. But if it was allowed to public men to criticise the measures of public men, highly as he esteemed the merits of Mr. Canning, he must avow, that during the latter period of his life, he had not been able to bestow upon him the same degree of admiration as he formerly entertained. But in avowing this, he must express his astonishment that any member should assign to others motives which, if proved, would not only show that they had forgotten their duty in that House, but that they deserved to be excluded the society of gentlemen. He did not know whether he could show the exact nature of his complaint, unless he read the terms in which the subject of his complaint had been stated. The gallant member opposite had referred to the circumstances under which this debate had come before the public. It did not appear on Thursday, but on Friday; and he never saw the ground of his complaint until Saturday. The only part of the report of that debate which seemed to refer to him, was the following:—The hon. member opposite (Mr. S. Rice), after observing that an opportunity would not return again, went on to say, that "the opposition to this bill would have astonished him any where; but in the House of Commons, the theatre of Mr. Canning's exertions, the field in which his genius displayed itself, and where, during the present session, men of all parties here felt the miserable blank made by his loss—that in this House an objection should have been made to a grant like this, was to him a matter of astonishment, to use no stronger word. But he wished to distinguish the two classes of whom the opponents of this measure consisted. The economists of money might perhaps think themselves warranted in refusing any grant, however deserved, if they considered that the finances of the country would not afford such expenditure. In this he could not concur; for he could not admit that England was in a position in which the reward of eminent services must be refused. Let it not be said that military glory, and death in action, were the only events that could call forth and justify national gratitude. Civil worth, if eminent, belonged to as high a class of exertions; and men might die, as Mr. Canning did, for their country, without falling by the sword. But there were economists of another school, who objected to this vote—economists of good feeling—persons who wished to apply retrenchment to sympathy and gratitude, and who were desirous of reducing all generous and honourable impulse; with them he would hold no connexion, and by them was the minority chiefly composed [hear, hear]; discontented agriculturists, who revenged themselves for the Corn-bill by their vote [hear], and who marked their disapproval of Mr. Canning's liberal policy, by denying this pittance to his children." Now, he quite agreed, that even in the present state of our finances, we were in a condition to reward the services of any man who should fall in the service of the country, and he was quite sure that the country would require it to be done; if the hon. member knew any individual who would object, from the motives assigned, let him point him out. He was not that individual, nor did he know who was. The only satisfaction he had, arose from a communication on this subject which he had had with a person who had communicated with the hon. member for Limerick; and he had received an assurance, as he felt himself aggrieved, that there was nothing intended to be generally offensive. The terms were general; but it was gratifying to him to find, that no individual, or number of individuals, were intended to be included in that sweeping remark. He would leave it to the hon. member for Limerick to explain. During the many years he had sat in that House, he had shewn a reluctance to address it. A painful sense of duty obliged him to say, that not unfrequently there had been a tone of intimidation employed towards members, and which was but too prevalent in the report which he had read, which would tend to prevent members delivering their sentiments. This was a subject which required consideration on the part of the House. He would now say a few words on the reasons of his vote on that occasion. He gave his vote because he did not conceive that, on the part of Mr. Canning, there was a full and complete claim to the grant; and he regretted it. It was not on the ground of pitiful economy, nor from the base motive which had been imputed, that he so voted; but on the ground of the state of the country, in reference to the merits of the individual. He never wished to conceal the grounds of his vote; and however painful it might be to declare them, he could not remain under the imputation of acting from unworthy motives.

Mr. *Spring Rice* thanked the hon. member for the manner in which he had made his statement, and should, he hoped, satisfactorily reply to his observations. And first, he must express his regret, that any thing he might have said should have been mixed up with a question of this delicacy and personal interest. He wished that any hon. gentleman, having any objection to make to him, had made it to himself alone, without mixing it up with the discussion of such a question as this. If there had been any blame in the affair, it should rest exclusively and entirely on him, and not attach to the question before the House. There might be some irregularity in the proceedings which had taken place on this subject; but he rejoiced, that the hon. gentleman had read the passage of which he complained, because he therein knew the full amount of the charge against him. He thought he should be borne out by the testimony of members on both sides of the House, when he said, that he had endeavoured, upon all occasions, even though engaged in questions which called forth asperity, to avoid any step which could hurt any individual, much more any class of individuals in that House. The House would allow him to recall to it the circumstances of this case. It so happened, that on that night a noble lord had stated, that his objection to the vote did not arise in any degree from economical principles, but specifically from his dislike to the principles of Mr. Canning. He (Mr. S. Rice) then separated the opposition into two classes, and stated, that an objection might be made to the vote on the ground of economy; or it might be objected to upon constitutional grounds. Many might object to the precedent, without objecting to the end of the grant or to the policy of Mr. Canning. These reasons he considered to form a specific ground of objection, distinct from others. This was not imputing motives, but distinguishing the classes of opposition; that of the noble lord being connected with the personal character of Mr. Canning. There had not been a single word read by the hon.

member, with reference to the deep disappointment he had felt at what had occurred on that occasion, which he was not ready to re-state in as strong a manner. With respect to the second class, could the hon. member think that he threw out, or intended to throw out, a reflection upon the agricultural interest? That was what he understood was implied. Why, it was the very class to which he belonged, which he respected, and could have no possible motive whatever to disparage; and if he had, there never was a time in which that class more nobly conducted themselves than on that occasion. He appealed to the example of the hon. member for Somerset (sir T. Lethbridge) who said, that although he objected to Mr. Canning's policy, he felt it due to his genius and his talents to give his entire concurrence in the vote, which was an act of gratitude for the brilliant services of that great man. Was it to be believed, that he in the face of that declaration, should select that moment to cause irritation by an attack on the agricultural body? He never made any such attack, and he was truly sorry that such a misapprehension should have arisen. But it might be said, "If you did not mean that, what did you mean?" The hon. member had referred to past debates, and if he did so too, the fault was not his; he was thrown upon his defence, and must avail himself of every legitimate means of resistance. He had not heard the speech to which he now alluded when it took place, which enabled him to discuss it with more composure. He had not the honour of being a friend or connexion of Mr. Canning; he had never had any intercourse with him, except at social meetings; but even in his slight intercourse he had witnessed the benevolent feelings which he manifested towards all those who were near him. He could not but feel a grateful recollection of him: and when he found, that, in the face of England and of that House, that great man was so treated—when he found that an opportunity was taken to go over his whole life, not with the minute skill of an anatomist and dissector of a dead subject, but of a living subject, for his family was living,—and the fame and character of Mr. Canning made less in the public view,—when what he had done, and what he had not done, was made the subject of a charge against him, he owned his blood had boiled, although he was no friend or connexion of Mr. Canning. He acted under the influence of such feelings, and perhaps —[Here the hon. member passed rapidly to another subject.] But all the censure which had been passed upon his memory was not for acts which Mr. Canning had done, but which the House had sanctioned. Yet obloquy was heaped upon him. He therefore felt, as a man and as a member of parliament, indignant that such a course of proceeding should be pursued, not against the living but the dead, and which, if the individual had been living, the House would have heard little of. If Mr. Canning was the individual who had produced all that lavish expenditure which had embarrassed the country, why were the persons who made the charge backward in bringing it forward? If it was true now, it ought to have been urged when he was alive. If Mr. Canning sent an army into Portugal, he was not alone to blame. It was not sufficient to charge Mr. Canning as principal; the House were his accessories, and the nation his supporters. It was under the influence of that speech, that he (Mr. Spring Rice) had made the observations which fell from him. He had no intention to impute to any class of men improper motives. It might be, that some gentlemen voted against the grant, on the ground that Mr. Canning had not extended sufficient protection to the agricultural interest; but that was no reason why they should quarrel with him (Mr. Rice). If he had, on a former night, stated his sentiments stronger than circumstances bore him out in doing, he could only say that he spoke under the influence of excited feelings, the same feelings which at present moved him. Those feelings he would never retract. He might here observe, that other matters which had occurred in that House with closed doors, after the gallery was cleared for a division, had found their way before the public. The speeches of the hon. member for Essex, and of the gallant commander-in-chief for Ireland, after the gallery was cleared, were laid before the public. His gallant friend was in error if he supposed that he was concerned in the publication of the proceedings alluded to, to the extent to which his observations would apply. On all occasions he had looked to the influence of Mr. Canning in the state, to his commanding powers and extraordinary abilities, as the glory of England; and he would not shrink from declaring his opinion on that point, under any possible circumstances. He had no opportunity of stating these sentiments while Mr. Canning was living and invested with power. He had never declared them, directly or indirectly, for the purpose of acquiring power himself. What he had said was intended as a tribute to the memory of Mr. Canning, and to discharge the feelings of his heart. His gallant friend had made use of a word which he wished had been spared, or if not, that it had been employed in a more explicit manner. He had said, that when he (Mr. Rice) spoke of personal motives, something might be done in the way of retaliation. He desired that the House should be set right upon this point. It could not be from motives of personal interest that he had defended the memory of the deceased statesman. What interest could he conciliate by doing so? He had acted only under the impulse of feelings. If those feelings were right, he cared not for the manner in which they had been expressed: at the same time, if he had said any thing which offended the feelings of any one he was sorry for it; but he would go no further than that.

Sir *R. Fergusson* said, he merely stated, as a general proposition, that when personal motives were attributed to an opponent, it would provoke retaliation.

Mr. *G. Bankes* said, that the observations of the hon. member for Limerick might excuse, if they did not call for, a few observations from him. He had given one vote on the question of the proposed grant. That vote was one of the most painful he had ever given in that House. For his part, he not only fully recognized the proposition that the dead ought to be treated with respect and reverence, but he would extend it even to the absent. He must, however, say, that the hon. member for Limerick had lost sight of that generous principle when he indulged in remarks on two absent members, which could not fail to be most painful to them if reported to their ears. With respect to the noble marquis (Chandos) who had been alluded to, he could state, that he was engaged on public business in the county to which he belonged. Had that circumstance been known to the hon. member for Limerick, he probably would have postponed some of the observations he had made. After all the explanations which the hon. member had offered, he could not think that he was justified in using the language complained of. When the hon. member talked of the member for Dorsetshire, dragging forward the conduct of Mr. Canning, did he think that he put the case in a fair point of view? Was the member for Dorsetshire, or was any other member, who, in the discharge of his duty opposed the grant, to be considered as having dragged forward the conduct of Mr. Canning? The proposition called for a review of the public character of the individual to whom it referred. The public conduct of Mr. Canning was the very groundwork of the proposition. [An expression of dissent]. He was aware that the friends of the deceased minister asked for the vote, not as a charitable grant, but as an act of justice; but he could not help deprecating the assertion, that hon. members had dragged Mr. Canning's conduct forward with a view of exposing it to public odium. With respect to the hon. member's explanation, he had better not have alluded to the charges brought against him at all, or have made his defence more complete than he had done. The hon. member had not answered the question of the gallant general; namely, whether he was not directly cognizant of the mode in which particular circumstances which had taken place within the walls of that House, had been transmitted to publication. He thought it was greatly to be lamented that the statement of what had occurred in that House should have been made public, not only on account of the sentiments which it attributed to the hon. member, but of those attributed to a noble lord (Palmerston), which were calculated to wound the feelings of those who had taken part in the former discussion on the vote.

Mr. Secretary *Peel* expressed a hope that as the party interested in the discussion on a former evening had now been heard, the irregular conversation would be permitted to drop. Further discussion would only engender feelings ill suited to the consideration of a question of that nature. For his own part, he would repeat, that he cordially concurred in the vote.

Lord *Nugent* lamented, that any personal feelings should be mingled with this question. It had been his fate to have opposed Mr. Canning on a variety of questions, and particularly on that of parliamentary reform, but nevertheless he thought this small tribute was due to the memory of that lamented statesman; nor did he think that this vote would operate as a precedent; for though he had ever been an advocate for economy, he considered that the making a provision for the family of a deceased public servant, operated as a stimulus to public men to use their best endeavours in the service of their country.

Lord *Ashley* thought that this vote did not pledge the House to approve of any part of Mr. Canning's political life. It was merely intended as a remuneration to his family for the injury done to his and to their private fortune during a long course of public service. He had opposed Mr. Canning during the last years of his life, and he should probably be in opposition to him were he now alive; but he had never allowed private feelings to enter into his opposition [hear, hear]. He opposed Mr. Canning as a politician, and not as a father or a husband, and he would as soon refuse to give him credit for his private virtues, as he would oppose this vote on account of any errors committed by him in his political life.

Mr. *W. Smith* said, he had been opposed to Mr. Canning on many occasions, but he considered that his public conduct during the two last years of his life was a legitimate ground for supporting the vote, even on the part of those who had previously opposed his measures. It was degrading to the character of the House to suffer personal feelings to interfere with an act of public justice. He agreed with his noble friend that it would tend greatly to raise the character of public men, and induce them to apply their energies to the service of their country, if they knew that their families would be provided for by the public generosity.

Mr. *Lennard* expressed his cordial assent to the measure.

Mr. *Hume* rose amidst cries of "Oh!" and declared that he would take the sense of the House on the next stage of the bill.

The bill was read a second time.

HOUSE OF COMMONS

Wednesday, May 21.

Alehouses' Licensing Bill.] Mr. Estcourt moved the second reading of this bill.

Mr. *Heathcote* said, he highly disapproved of the clause which gave county magistrates a concurrent jurisdiction with the magistrates in cities and boroughs, where there were not six qualified. His constituents of Boston complained, that it would interfere with their chartered privileges. In two cases out of three there was no occasion for this bill, and it would frequently have the effect of punishing the innocent. To the clause which disqualified magistrates who were interested in public-houses, he was also averse. Such a provision would, in many places, incapacitate every lay magistrate on the bench: and with all due respect for the clergy, he thought that the subject ought not to be left entirely at their disposal. He was of opinion, that magistrates in general were too much disinclined to grant licenses.

Mr. *Bernal* said, that the clauses alluded to, involved the whole principle of the bill. The hon. member for Oxford, by attempting too much, would be likely to fail altogether. Abuses might have crept into the licensing system; but that was no reason why the magistracy, as a body, should be aspersed. With respect to the clause which required the concurrent jurisdiction of county magistrates, no compulsory attendance was to be enforced by the bill. Nor did his hon. friend appear to consider the jealousies and rivalries that an occasional co-operation like this would most probably produce. To infer that all connected with public-houses were necessarily corrupt, was a harsh and unwarrantable conclusion; yet the bill conveyed this imputation. It would place county magistrates in a most embarrassing situation; as they would naturally feel a delicacy at coming into a corporate town, where they had not exercised any previous jurisdiction.

Sir *R. Heron* was of opinion, that no benefit could arise from an increase of public houses. They tended to promote vice of every description, and encouraged a wasteful expenditure of money amongst the poor. He had had in his employment a hundred labourers for several years, and he seldom knew of any drunkenness among them, in consequence of the neighbourhood being almost free from public houses.

Mr. *Jones* considered the bill an infringement on chartered rights, and introduced magistrates where they hitherto had had no jurisdiction.

Mr. *Slaney* wished to state the evils resulting from the present system. He would not put into the hands of any individuals a power affecting the price of what, in England, was considered the second necessary of life: such a power was contrary to the principles of free trade; and he thought that the general principle, that the demand of goods ought to regulate the number of venders, should be applied to this trade as well as to every other. Every man who could give security for good conduct was unquestionably entitled to seek his livelihood as a publican. That the existing system had produced many evils was sufficiently evident from the returns which he had obtained. By the return of last year, it appeared that in sixty collections of excise, into which England and Wales (London included) were divided, there were forty-nine thousand five hundred publicans, of whom twenty-three thousand, being above half the country publicans, brewed their own beer, the rest being served by brewers. In the London district, there were four thousand four hundred and thirty publicans of whom only thirty-nine brewed their own beer. The second district comprehended Kent, Sussex, Surrey, Hants, Berks, Middlesex, Hertfordshire, Cambridgeshire, Norfolk, and Essex, in which there were nine thousand nine hundred and eighty-four publicans, of whom only eight hundred and twenty brewed their beer at home. The third district comprised Northumberland, Westmoreland, Cumberland, and Durham, and extended across the kingdom to Manchester and Liverpool: in this there were five thousand eight hundred and seventy-one publicans, of whom only five hundred and eighty-seven brewed at home. Of the whole twenty thousand two hundred and eighty-five publicans, only one thousand six hundred and thirty-six brewed at home. This vast district, containing between four and five millions of people, was supplied by eight hundred and twenty-five brewers out of London, and one hundred and three in it; making but nine hundred and twenty-eight in all. In the districts comprising part of Gloucestershire, Herefordshire, Worcestershire, Salop, all Wales, part of Somersetshire, Lancashire, Devonshire, &c., there were about fourteen thousand eight hundred and ninety two publicans, and twelve thousand five hundred and forty-three brewed at home. The beer so provided was decidedly the best, as the trade was not injured by monopoly. By the duty on hops, maltsters, brewers, and publicans, the taxes arising from this exclusive system amounted to 8,737,000*l.* He did not see why more security should be required from the publican, than the guarantee for his good conduct; as the license could be taken from him when forfeited by misbehaviour. Thus the people were driven from the use of beer to spirits. It was an alarming fact, that whilst every other trade was increasing in the same period, the manufacture of malt, which, in 1787, was estimated to be thirty-four million of quarters yearly, continued nearly stationary, nothwithstanding our increased population.

Mr. *G. Bankes* considered the clause in the bill respecting the concurrent jurisdiction of county magistrates with corporate magistrates so objectionable, that he would rather the measure should be lost, than that this clause should form a part of it.

Lord *Sandon* also opposed the clause.

Mr. *Hume* thought the clause the best part of the bill. He was for opening the jurisdiction in such cases, as well as for taking off all restrictions on the trade in beer. In other countries, no injury resulted from allowing the sale of wine to be unrestricted.

Mr. *C. Wood*, as he was aware of the evils of the present licensing system, would support the bill.

Mr. *Calcraft* wished the bill success generally, although this clause certainly went to deprive corporators of their chartered rights. If this were not withdrawn, he should certainly oppose the bill.

Sir *J. Sebright* considered the clause of such value to the public, that if passed as a separate act, it would be a greater boon than all the rest of the bill.

Mr. Secretary *Peel* considered the public owed a debt of gratitude to the hon. member for Oxford. Although the general principal of throwing open trade was good, it should however be controlled by forethought and caution, as to the practically injurious effects likely to follow. If, as a matter of police, it was necessary to exert this control, it was the first duty of the legislature to see that it should not be liable to abuse. The power of the magistrates in regard to licensing was not a corporate right, or derived from charter, but from acts of parliament. He hoped the House would not throw out the bill, as the period had not arrived for considering the clauses separately.

Sir *J. Graham* concurred in the sentiments of the hon. member for Oxford, and supported the bill.

Mr. *Curteis* said, that as the bill was to come into operation mainly through the instrumentality of the high constables, and there was not such an officer in the county of Sussex, it would require alteration to adapt it to the licensing system in that particular county.

Mr. *Estcourt* said, it was his original intention to have proposed the doing away with the licensing system altogether; but he had received such accounts from those best acquainted with the mischiefs to which it would probably lead, that he was induced to alter his course. As to the particular clause, he had no objection to postpone it to the committee.

Lord *Belgrave* thought the clause calculated to lower the magistrates in the eyes of the people.

Mr. *Baring* thought it would be better to do away altogether with the jurisdiction of the corporate magistrates, than to take from them the respect which they ought to possess.

The bill was read a second time.

HOUSE OF COMMONS.

Thursday, May 22.

THE CURRENCY—SMALL NOTES—LEAD ORE.] Mr. *Attwood*, in rising to present a petition from the miners of Holywell Hold, and other districts in Flintshire, said—the petitioners complain, and with reason, of the reduction in the duty on foreign Lead Ore, and of the abolition of One Pound Notes. I understood that some proposition, for again advancing the duty on foreign lead ore, was intended to be brought forward; but, with respect to the abolition of the small-note circulation, I shall take the opportunity of expressing my surprise that government has not thought it expedient or necessary to explain to the House the ground of their proceedings on that subject. They have, indeed, stated what their intention is, but have given no explanation of the reasons why they propose to persevere; the measure in question is not one which, originating for the first time in 1816, is now to be expected to be carried into effect as a matter of course: their whole course of proceedings has led to a contrary conclusion. They, in 1819, adopted a measure, the effect of which was to extinguish the circulation of one-pound notes; but, in 1822, another was passed to continue their existence. In 1826, government again resolved on their abolition; but, of this last law, they showed their distrust before it had passed. Its authors proposed an amendment to curtail its operation. They have not now ventured to extend their measure to Scotland or Ireland; so that, if carried into effect as it now stands, it would be difficult to conceive any legislative proceeding more absurd or more inconsistent. From 1819, when you passed their first law, to 1822, their second, was a period of three years; from 1822 to 1826, when the third law was passed, was another period of three years; and, from 1826 to 1829, there were also three years, so that, by the time we shall have arrived at April, 1829, we shall have got to a period when a periodical change of opinions and measures will be to be expected from the ministers on this subject. This is no forced statement of mine; it is the expectation which generally prevails in the country and in this House. Do ministers then mean that the House should proceed in this course, without any explanation being given, and do not they mean to show why, in their opinion, a measure, unsafe in 1822, is safe now? Why is it expedient not to abolish these notes in Scotland and Ireland, and yet to abolish them in England and Wales? The reasons given in 1826, for extinguishing this circulation in England, were equally applicable to Scotland. Some new light has, however, since that time broken in upon ministers, as relates to Scotland, but of this the House knows nothing. A committee has been appointed which has probably found reasons why it was advantageous not to apply this measure to Scotland; might not a committee make the same discovery, as regards the other part of the empire? The act of 1826 was adopted in a period of alarm—of a panic in Downing-street, succeeding one in the city; and whether it be fit to be revived or not, it is fit, at least, that the House should, out of respect for its own consistency, go upon some intelligible principle. This is the last measure for settling the currency on a permanent and satisfactory basis; and are we to leave it on the footing proposed, of one currency in one part of the empire subsisting without limitation, which is put down as injurious in the other. The right hon. Secretary for Home Affairs has, in fact, given the only reason yet afforded for this proceeding; for he said, that if this measure were not now effected, he despaired of seeing it ever carried into execution. This may be a very good ground of proceeding for himself, desirous, as he must be, to preserve the consistency of his own proceedings, but it is no ground for the House to act upon. The question for us is—is it expedient, or not, to adopt this measure at this time? If expedient, let it for that reason be executed, and if not, abandon it. Why, I ask, are we to believe, that a future House of Commons will be less disposed than ourselves to abolish these acts, when it may be expedient to do so; whilst we are called on to take the same step with no expediency proved? But as no expediency has been assigned, I will shortly state what, in my opinion, would be the effect which might be expected from at present withdrawing this circulation; and in that, I shall give a disinterested opinion, for personal interest I have none in this question.

I believe it will occasion temporary distress, of the extent of which, whether great or small, it would be difficult to form a previous estimate; but I think all calculations, founded on the mere amount in circulations, will be delusive. It might require five or ten million sovereigns to replace these notes, an amount not in itself large; but it is to be considered that this five or ten millions of capital is, perhaps, the most active and efficient of any part of the national capital—and puts in operation other capital to a great extent. Bankers, called on to pay off these notes, will reduce the general scale of their accommodations to the farmers, dealers in agricultural produce, manufacturers, and traders—in short, to the productive classes generally. These again, straitened in their resources, will reduce their concerns. The farmer and corn-dealer will carry their goods to the market. This, generally done, will be followed by a depression of prices; by what has been called over-production in short, though, probably, it may take place in the face of impending scarcity.

The landed interest have been strenuous in their endeavours to support prices by their corn-bill, but they have mistaken their course, they can secure remuneration by no corn-bill. Corn is the food of the people; and if it were possible to advance its price by any measure, not giving, at the same time, increased means of purchase to the labourer, such a law would be a legislative famine. The high prices during the war have not been owing to the Corn-laws; they were accompanied with high wages of labour, which no corn-laws could give. If the landed interest desire to secure to their tenantry remunerating prices, such as would enable them to pay the rents stipulated in their leases, their first business must be to secure to the farmer the existence of money of the same value as that which existed when his lease was signed. If they cannot effect that, their business will be to reduce rents; and not, by unjustly exacting false rents from the farmer, compel him to oppress the labourer. Their remedy is, to reduce taxation; not to relieve themselves by an unjust burthen, by doubling it on their tenantry and labourers, but to spend it equally—to take care that taxation shall endure its full share of reduction. And next, with regard to the labourer—if the manufacturers, generally, find their resources lessened, their course must be to discharge their workmen. This, generally done, would press heavily on the labouring class, at present in a condition certainly not prosperous; with low wages, high taxes, little employment, and insecure of that. The result of their condition is to be seen in the appalling spectacle presented by the gaols. On this head, I submit it to the right hon. Secretary, that when he supported the act of 1819, he stated that its great effect would be to relieve the labouring classes from those high prices and fluctuations of the paper money. The right hon. gentleman was then told, and truly told, that he mistook the effect which his measure would produce.

The right hon. gentleman opposite stated, some time ago, that the number of criminal commitments had increased to the amount of six thousand within the last four years. In the year 1804, however, the circulation of small notes was the most unchecked, and in that year the number of criminals increased only by one hundred and thirty-five; but, as we have heard, in the first four years of a gold circulation, the number of criminal commitments increased by six thousand; and the want of employment, which will arise from the further limitation of a paper circulation I have no doubt, will add still more to the number of commitments. It is, therefore, Sir, that I contend, that no measure should be adopted for diminishing the paper circulation without serious consideration. I am not, and never have been, a friend to an unlimited paper circulation; but I think no measure should be carried into effect without reference to the situation of the country, and the condition and natural character of the people. When the national revenue is free from the embarrassment in which it is now involved—when the agriculturist is not menaced by the prospect of ruin—when the tenantry of the country are not exposed to reverses which end in their indiscriminate ruin—when our gaols are no longer crowed with criminals —when we hear no more that unnatural cry of a redundant population—when the improvement of the country is steady and unimpaired, alike in war and peace—perhaps I may be induced to consent to doubtful experiments on our paper currency, but certainly not in the present state of the country. There are some measures which falsify all calculation; but I think that, by one act of parliament, you have doubled the debt, and put a forced value on every contract and engagement. Let any gentleman consider the altered situation of this country since we first began to tamper with its paper circulation.

During the war, our paper currency enabled us to meet the difficulties of our situation, and to bring that protracted contest to a successful close. Since the circulation of small notes was abolished, however, we have not been able to make any exertion; nor do I believe that we shall ever again be able to make the same exertions as we made when there was a small-note circulation. There never was a country which presented so degrading and humiliating a contrast, as England during the war, and England since the peace. The situation of this country, be it remembered, was always prosperous, under whatever circumstances, of peace or war, down to that miserable period when we occupied ourselves in re-establishing,—not a metallic standard merely, for a metallic standard adjusted to the value of the paper standard it superseded, could have been established with no obstruction to our general career of prosperity; but,—a metallic money differing in value from the money it supplanted.

This country, Sir, is in such a state of disorder and weakness, produced by those changes, that I do not believe it is equal to the present difficulty, light as that would have been to it, in any other time. It is upon these grounds I contend that no measure can be carried, diminishing the circulation of small notes, without difficulty, nor ought any such measure to be carried without the fullest inquiry. I have taken this opportunity to state my opinions on this most important question, and I have now only to move you, Sir, that the petition which I hold in my hand be read.

Mr. Secretary *Peel* protested against the proceeding adopted by the hon. member. He must say, that on a petition, the principal prayer of which was, that the House would take into consideration the state of the trade in Lead Ore, the introduction of the topics on which the hon. gentleman had addressed the House was a little out of order. He knew that the state of the currency, the increase of crime, and other important topics, might be incidentally introduced into such a discussion; but when he had received no notice of the discussion, and when others who might wish to take part in it were absent, he put it to the candour of the hon. member, whether it ought not to be discontinued. To shew the unfairness of the views taken by the hon. member, he would just refer to one statement, in which he had asserted that England and Scotland were in precisely the same situation with respect to the circulation of small notes. In making that statement, did the hon. member think it fair to hide from the House the important fact, that for the last century Scotland had possessed a circulation of notes under 5*l.*, and that it was not until the Bank Restriction act that 1*l.* notes had been permitted in England. Until then the circulation of Scotland had been for a century a paper circulation, while that of England was exclusively gold. The hon. member might say that, in his opinion, there were reasons for making the circulation of the two countries the same, but it was impossible to contend that their circumstances were exactly similar. He should make no further observations at that moment, as his right hon. friend, the chancellor of the Exchequer, had postponed his motion on this subject, at the desire of many members who were interested in its discussion, and who could not be present that night; and he trusted, for that reason, the House would suspend their opinion until the subject came properly before them.

Mr. Liddell, sir J. Graham, and Mr. Western concurred in stating, that the subject was one of great importance, but that this was not the time for its discussion, Mr. *Baring* said, the object of the bill which the chancellor of the Exchequer proposed to introduce, was simply to prevent the Scotch paper money from coming into England after such a circulation had been declared disadvantageous for this country. He acknowledged the ability and extensive information of his hon. friend and colleague, but on this occasion he believed he was entirely wrong when he appeared to wish them to return to a depreciated currency, which, instead of relieving the difficulties of the country, would materially increase them. To what was much of the present distress of the country to be attributed, but to the tampering with the currency? And if any thing that had been done was good, as an argument on this subject, it was, that they should avoid that error in future. He trusted that we should persevere in the system which was now laid down; the strict adherence to which would best provide for our security.

Mr. *Hume* was glad that the act regulating the currency of England had stopped short of Scotland, and he believed that this country must, ere long, return to what he would call a sound currency of paper and gold—a paper currency that was convertible into gold on demand. By banishing such a currency from this country we had crippled ourselves, and the difference in the currencies of the three kingdoms was productive of the greatest inconvenience: there was one currency for England; another, totally different, for Scotland; and a third, of a mixed kind, for Ireland; and the whole was now to have the additional patchwork of a bill, to prevent Cumberland, and the northern parts of this country, from enjoying the same advantages as Scotland.

The *Chancellor of the Exchequer* said, he had postponed the discussion of his bill at the request of many gentlemen who could not attend that day, and from no fear that he should not be able to justify its necessity to the House.

Mr. *Stuart Wortley* thought, that under such circumstances, the present discussion was misplaced.

Mr. *Dundas* said, that the government had not given up the measure with respect to Scotland from caprice, but because they had been satisfied by evidence, that the present currency of Scotland was the most advantageous for that country, and they had therefore allowed her to follow her own course of prosperity in her own way.

Mr. *Monck* said, he could not suffer the observation of the hon. member for Aberdeen to go abroad without contradiction. That hon. member had spoken of the necessity of a paper currency convertible into gold, and seemed to suppose that such a currency would add to the security of the country. Why, it was just that sort of currency which destroyed the security, whenever a panic occurred from any cause whatever. What was it that occasioned, in 1825, the failure of twenty-five out of every hundred bankers, but the power of demanding that their notes should be immediately converted into gold? That convertibility, therefore, constituted the danger which parliament had wished to avoid; and he trusted that they would not depart from a course which experience had proved so necessary.

Mr. *Attwood* observed, in explanation, that if the right hon. Secretary had attended to the former part of what he had said, he would have seen that the character of the petition was accurately described; the complaint was of injury from two causes, the introduction of foreign lead ore, and the abolition of small notes. He had used no argument which did not strictly bear on the petition. With respect to the practice of debates on petitions, he observed that it was generally deprecated by one party, and approved by another; but it was surely advantageous to discuss frequently, and on various occasions, questions of difficulty and importance. The right hon. Secretary had been mistaken, in imputing to him the allegation, that Scotland and England stood on the same footing with respect to the circulation of small notes. His statement was, that the right hon. gentleman's colleagues, when they brought in the bill of 1826 for abolishing small notes in England, supported that measure by reasons applicable in the main to Scotland and Ireland, as well as to England; and he had pointed out the inconsistency, therefore, with which they were now chargeable in proposing, without explanation, to carry their measure into effect in the latter part of the empire, and not in the former. His hon. friend and colleague, Mr. Baring, had charged him with exaggeration, in his estimate of the mischiefs arising from these measures relative to the currency. Now the degree of mischief thus occasioned must be estimated from the extent of difference effected in the value of money. He (Mr. Attwood) had taken it at fifty per cent., or one-half; but had expressly said, that he gave such estimate as vague, and that neither that estimate, nor any other, could be taken as pretending to an approach to accuracy. But he well remembered the estimate given by his hon. friend himself—in answer to a calculation of the late Mr. Ricardo, who had said the difference was three or four per cent. His hon. friend, in answer, gave his own opinion, which was, that the money of Mr. Peel's bill differed in value from the paper money it superseded, to the extent of perhaps twenty-five or thirty-three per cent., and on many articles as much as fifty per cent. There was little difference, therefore, or, in fact, none, between what his hon. friend called an exaggerated estimate and his own. The difference of money, in which the debt was contracted, and in which it was now to be paid, was very great; and never was there a greater mistake made, than that which was made by that very extraordinary man, Mr. Ricardo, in his estimate of the effect produced on the value of money by the alteration which took place in the currency in 1819.

On the question, that the petition be printed,

Mr. *Attwood* added, that his hon. colleague had observed, that his estimate was overcharged, not in the extent he ascribed to the alterations in the value of money, but in the evils he ascribed to the abolishing one-pound notes. But all he had said on this head was, that this abolition would occasion some degree of general pressure and difficulty extending to all the productive classes; but what degree, he neither himself pretended, nor could any man pretend, to estimate. It was doubtful how far it would go. His hon. friend admitted that the value of money had been altered from twenty-five to perhaps fifty per cent. That alteration had been effected in the legal money of the country, by the act of the government secretly, without its being known that such an operation was in progress; and if any man would consider what the effect of such a measure must be, in a country like this, operating on all its public and private pecuniary engagements, altering to that extent, all monied contracts, he would be convinced, that it would be difficult to make any statements of the effects of such measure which could be considered as exaggerated. It was from the disorder thus occasioned, that he looked on the additional pressure which the reduction of one-pound notes would occasion, with apprehension.

Ordered to be printed.

REGISTRATION OF VOTERS IN CITIES AND BOROUGHS.] Lord *Nugent* said, that the principal objects for which he introduced his present bill were comprised in a very few words. One of the merits of the measure which he was now asking leave to introduce to the House, and if it had not that merit he had misapplied the pains and trouble which he had bestowed upon it, was, that the bill which he was desirous to bring in was not a long one, that the provisions of it were simple and intelligible, that it was calculated to work out its own object, and that all it aimed at might be easily effected. The chief object of it was to give to all cities, boroughs, and cinque ports, in England—Ireland and Scotland he specifically excepted out of its operation,—a register containing the names and descriptions of all persons who had a legal right to tender their votes for the election of members to serve in parliament for those places. He was fully aware that nothing was more distasteful to the House than to enter into a discussion of the abstract principles of representation; he should therefore abstain from saying even a word upon that subject: but he could not help remarking, that whatever might be the views of gentlemen on the abstract theory of representation—or he should rather say the machinery of representation—there could be no good gained in practice by the concealment of the numbers or qualifications of those who had a right to vote at elections for cities and boroughs. There was no tenable ground on which it was desirable that either the candidates, or the returning officers, or the voters themselves, should be left in ignorance of the number and qualifications of the different voters. Whether gentlemen were inclined to favour the influence of property or the influence of population, in regard to elections, in neither case were they left uncrippled by being totally ignorant of the numbers and qualifications of those who exercised the elective franchise. Indeed, he apprehended there were only one or two objects that could be answered by refusing his motion; and he did not expect that gentlemen would rise up in that House to advocate either of them. One of them would be, to continue in the hands of a set of country attornies, an undue monopoly of knowledge as to the extent of the voters, which gave them a most prejudicial power, not only over the candidates, but over the voters themselves; and the other would be to confirm to the members of corporations, in corporate towns, a fraudulent privilege which they enjoyed under the present system,—he meant the power of creating voters *ad libitum* at the moment of election, or just before it, to give a preponderating advantage to the candidates they favoured. He apprehended no one would say that it was desirable to give effect to either of these objects. To prevent the disadvantages of such a system, and to bring down the wisdom of country attornies to a level with their neighbours, some measure was imperiously necessary. If his measure should be useful in acting as a check upon local interests, it would also be useful in acting as a check upon that which all parties agreed in thinking a great evil,—he meant, fraudulent personations at elections. If gentlemen would look at the detail of the present measure, they would find it calculated to meet the evil of fraudulent personation, as far as the legislature could grapple with it. It was obvious, that there occurred at every popular contested election, a great loss of time in taking the votes during the polling, a great temptation to fraud and perjury, and much quarrelling and confusion among the electors. The first object of his bill, was to procure a registry of the names of all the voters in every city, borough, and cinque port, in England, and a description of the qualifications on which they claimed the right of voting. This was to be lodged, in all places, with the returning officer, and the name and description of the qualification of the voter was in all cases to be entered by himself. For that purpose, he would have a court held in each city or borough four times in a year, at which those who were qualified to vote should be present to enter their qualifications. A severe fine should be inflicted on every returning officer making a false entry in the book of registration, or erasing an old entry. Each court should have power not only to enlarge, but to correct, the register-book, and a certificate should be given at them, by the returning officer, to any voter who made application for it, on the payment of a small determinate fee. That certificate, too, should be of equal value with the entry in the register-book, and should be considered in all cases as a proof of it. Furthermore, no one should be permitted to vote at any election who had not entered his name in the register-book for a certain term,—say twelve months,—before the election, with the exception only of those, who by birth, inheritance, office, or by any act not their own, became qualified to vote in the interim. Copies, too, of the registration should be printed, and offered for sale at a low price. His intention was, to give increased effect to the provisions of the Durham act, in one important particular. The act 3 Geo. 3rd. c. 15, commonly called the Durham act, provided that all citizens, burgesses, or freemen of any city, town corporate, borough, cinque port, &c., which returned members to parliament, should be registered in a book kept by the mayor or bailiff for that purpose, but did not provide that that book should be published. The consequence was, that a corporation might alter the register, or circulate false registers, or play tricks, or commit various other faults, which would either be totally prevented or immediately corrected by having a copy of it printed at stated intervals.—He had now stated the main features of his bill.—He did not intend it to interfere with the right of any elector to appeal against the decision of the returning officer on his particular case, or with the right of any candidate to demand a scrutiny after the poll. Indeed, it provided for both such cases. Still less did he intend it to interfere with the undoubted privileges of that House, with respect to the examination of the qualifications of the voters before a committee. What he wished to supersede was, the examination of the qualification of the voter at the moment of the poll, when the minds of men were heated, and when all the elements of confusion were afloat. That was not the time for such examination; the time for it was when party spirit was cooled, and when men had thus a better opportunity of hearing calmly and deliberately, any complaints that might be made against the entries of voters. It would shorten the time which was now necessarily spent in taking the poll, as the process of taking the poll would be limited to the tendering of the necessary oaths, and to the examination of the ticket of qualification of the voter. Every thing else would be reserved either for examination before, or scrutiny after, the election.—He wished to provide against any objection, by which he might be met, of the trouble and inconvenience which this measure would occasion to the out-voters, who would have to go to be registered. He intended to except from the registry of the first year, all persons who claimed the elective franchise by birth or inheritance, and to limit it to those who had gained it by servitude, or marriage, or purchase. Those who obtained the right of voting by birth, or office, or inheritance, might vote immediately on gaining their franchise; those who gained it by servitude or purchase, would have an opportunity of registering their right at the time when they acquired their franchise, either by applying for admission to their freedom, or by completing the purchase of a burgage tenure. The extent of the frauds practised upon candidates, in consequence of their ignorance of the numbers or qualifications of the voters at the places which they aspired to represent, reached a degree which gentlemen who had not paid attention to this subject could never anticipate.—On the subject of out-voters, he should make no observations at that moment; though it was a point on which he entertained a very strong opinion indeed. At the same time, he trusted the House would allow him to say, that one of the great abuses which arose from the ignorance of their numbers, this measure would cure. He had occasion last year to call the attention of the House to the proportion which the out-voters bore, to the resident voters in cities and boroughs. He had shown, that in many instances the out-voters amounted to a third, in some to a half, and in a few to more than a half, of the whole constituency. At Bristol, in consequence of the charter, which Elizabeth granted to the citizens, and which made it transmissible through females, one half of the people of England might unconsciously be voters; and every gentleman who then heard him might vote at the next election, if in his genealogical tree he could trace back to the daughter of a citizen of Bristol. Bristol, however, was not the rule, but the exception. His bill, he contended, would have a good effect in showing to candidates and to returning officers, who and how numerous the parties were, who had a right to exercise the elective franchise. At present it was unnecessary for him to go any further into this question, except to say, in answer to those who charged the friends of reform with always bringing forward wild and visionary plans of reform. "Here is a practical measure—deal with it as you think proper." He believed that it would be an effectual remedy for many evils, justly complained of under the present system. Entertaining that opinion, he should now move for leave to bring in a bill "for the Registration of Voters in cities, boroughs, and the cinque ports of England."

Leave was given to bring in the bill.

CHURCH BRIEFS.] Mr. Secretary *Peel* said, he had given notice of his intention to introduce two bills, bearing upon the practical domestic economy of the country. The first measure went to abolish what were called Church Briefs, for raising money in cases of calamities by fire, and for the raising of money for the building or repairing of churches or chapels. In the first place, he conceived that the existence of insurance offices dispensed with the necessity of making collections in this way, in cases of loss by fire; and, besides, to any one who attended the celebration of divine service, it must appear, to say the least of it, very indecorous to introduce into the middle of it a subject so totally unconnected with it. A return had been called for last session, to show the enormous expense attendant upon this mode of collection, and the disproportion between the loss sustained, and the amount of money collected. All that appeared on those returns combined to show the policy of abolishing this system. He would therefore propose the total abolition of the system of raising money in cases of loss by fire by means of church briefs. He held in his hand an account of all the church briefs which had been issued since the 15th of May, 1819. He would select one or two instances to show the smallness of the sum paid to the party by whom the loss had been sustained, in consequence of the immense expense incurred, for the patent, for printing notices, and for the salaries paid to officers for distributing them, and collecting the subscriptions. Under the first brief which he should select, the loss sustained by the party amounted to 362*l.*, and the amount of the sum raised was 549*l.* But the fact was, that a greater portion of that sum was expended in collecting the contributions of the charitable, than was paid over to the individuals who had suffered the loss by fire: 97*l.* was the expense incurred for the patent, and the collection of the subscriptions cost 362*l.* So that the nett sum paid over to the party on whose account the subscription had been raised, amounted to 124*l.* out of 549*l.* There was no blame to be attached to the officer charged with the collection: he had to pay for the patent, for the printing of the papers, and for distributing them all over the country. It was plain that, if the contributors imagined that the party for whose relief they gave their money, would only receive 124*l.* out of 549*l.*, they would not have given a shilling to the fund. In another instance in which the loss by fire amounted to 3,682*l.*, in the raising of the contribution, no reference whatever was had to the amount of loss incurred. The contributors who had given a shilling in former instances contributed the same sum on that occasion. In truth, the whole was a lottery, in which the sum raised was usually alike, and had no reference to the amount of individual loss which had been sustained, and for the relief of which it was intended. With regard to the system of collecting money by briefs for the repairing or building of churches or chapels, the same objections did not equally apply to it, but the returns would show that the sum raised had no reference to the circumstances of the parish, or to the extent of the repairs required. It would appear from the returns, that the sum raised in all instances was between 340*l.* and 440*l.* He proposed to repeal the act of Anne, which authorized the collection of money in this way by church briefs, with a view to put down the system altogether. The contribution of money for the building of churches and chapels was founded upon an excellent principle; and he would propose to substitute another system, to compensate the church for the loss which it might sustain by the abolition of this mode of collection. If his majesty should be pleased to issue letters patent, authorizing the collection of voluntary contributions for the building of churches and chapels, he proposed to incorporate a society to receive the subscriptions thus collected, and the society he would incorporate for that purpose was one already in existence. He alluded to the society for the rebuilding and repairing of churches and chapels. He was happy at being afforded this opportunity of bearing his testimony to the merits of that excellent society. The whole amount of its funds consisted of the general contributions of individuals who were anxious for the maintenance of the pure doctrines of the church of England, and it had distributed 110,000*l.* for the purposes for which it had been founded. By means of the distribution of that sum in particular districts, it had excited the zeal and emulation of those who wished to support the church, and had induced the raising of local subscriptions for the maintenance of religion to the amount of 400,000*l.* The total sum, then, of voluntary subscriptions distributed by this society, amounted to 500,000*l.* By the application of 110,000*l.*, free sittings had been provided for a hundred and fifty four thousand persons. Without devolving upon this society the power of imposing church rates upon any parish, he proposed to incorporate them, to enable them to receive voluntary contributions for the rebuilding and repairing of churches and chapels, to receive the sums left by bequests for that purpose, and the sums raised under the letters patent, authorizing voluntary contributions for such objects. He would propose that the bishops of the several dioceses should be vice-presidents of this society, and he would also propose that not less than twenty-five laymen should be appointed amongst its vice-presidents. To exemplify the admirable system of economy with which this excellent society had been conducted, he would mention that the sum of 500,000*l.* which had been in their hands, had been appropriated, including all the expenses of rent, officers, collectors, &c., for a sum not exceeding 840*l.* per annum. The right hon. gentleman concluded by moving for leave to bring in a bill to abolish church briefs, and to provide for the better collection and application of voluntary contributions, for the purpose of repairing and rebuilding churches and chapels.

Sir *J. Newport* wished to know whether the measure was to extend to Ireland. The principle of voluntary contribution for the building and repairing of churches would be extremely acceptable there, where a large majority of the inhabitants who dissented from the Established Church were taxed to an enormous amount for the support of that establishment. The right hon. baronet alluded to the returns which had been laid before the House of the appointments made under the Vestry act, in

Ireland. In many instances, they were of the most oppressive nature; and he mentioned one case, in a parish in Dublin, where a close vestry, consisting of Protestants exclusively, applotted 2,300*l.* upon the parishioners, while at the open vestry only 220*l.* was laid upon the parish. From the constitution of the magistrates in Dublin, the right of appeal, under the Vestry act, was rendered nugatory.

Dr. *Lushington* highly approved of the motion. The mode of raising money by church briefs was inadequate, as the expense often exceeded the nett amount received. The country was much indebted to the right hon. gentleman for his proposition to incorporate a society, most excellent in its principle, and most beneficial in its effects.

Mr. *Moore* defended the magistrates of Dublin from the sweeping charge that had been made against them by the right hon. baronet. So far as his experience went, they were wholly unobnoxious to such a charge.

Alderman *Wood* said, that briefs for the last fifty years had been farmed by contractors, and that was the reason why they produced only 300*l.*, although they were rated at 1,000*l.* or 1,700*l.* What were called the walking briefs, produced a great deal more than the church briefs, because the churchwardens and the beadles, with their gold-laced hats and gold-headed canes, and all the paraphernalia of their office, actually went round and teased the inhabitants out of their money. The worthy alderman, after observing upon the objectionable nature of this tax upon the people, expressed his thanks to the right hon. gentleman for its abolition.

Mr. Secretary *Peel*, in reply, said, that it was his intention to repeal the act of Anne altogether. He thought the worthy alderman must be misinformed as to the farming of the briefs; for any one guilty of that offence was liable to a penalty of 500*l.* The contribution to the society he proposed, was wholly voluntarily, and as the donation of twenty guineas made a member for life, he hoped the hon. alderman would become one, as his services would be found very useful on the committee. With respect to the observations of the right hon. baronet, he could only say, that he had so many measures to propose, connected with this country, that he really had not time to attend to Ireland. He, however, had not the least objection to a similar bill being brought in for Ireland.

Leave was given to bring in the bill.

Recovery of Small Debts.] Mr. Secretary *Peel* said, he rose, pursuant to notice, to move for leave to bring in a bill, the object of which was the more speedy Recovery of Small Debts. Speaking of the system which prevailed in the country generally, he believed it would be found better, in most instances, to abandon any claim which an individual might have for a certain sum, than to attempt to recover it, as the law now stood. The expense of proceeding in the county courts was so enormous, and their jurisdiction so confined, that in many cases, the party seeking redress there was actuated by feelings of pique and resentment, rather than by any hope of recovering his debt. The attention of the House had been repeatedly called to this subject, and great difficulty had been experienced in attempting to devise a remedy for the present defective state of the law. A noble lord (Althorp) had given much consideration to the subject, and several bills had been introduced by him. Those measures had not met with the approbation of the House, and it was at the desire of that noble lord, in the course of last session, that he (Mr. Peel) had undertaken to introduce a bill. The first bill brought in, proposed to enable the lord lieutenants of counties to appoint assessors, who were to receive considerable salaries, and a separate court was to be established in those towns where the ordinary courts were on a small scale. Several objections were urged against this plan, and the impropriety of placing the appointment of assessor in the hands of the lord lieutenant was very justly pointed out. By the subsequent bill, the appointment was left with the Crown. It was there provided, that assessors should preside in the county courts, and they were to look to the Crown for their salary. Again, it was proposed, that the commissioners appointed to discharge the duties connected with the Insolvent Debtors' Court should adjudicate in cases of small debts, and should, for that purpose, make circuits through the country. To these measures objections were also taken, and they were abandoned. He should propose to adopt in each county the ancient institution of the county court, and to extend its jurisdiction from debts of 40*s.*, which was the present limit to debts of 10*l.* A gentleman very eminent in the legal profession had drawn up this bill, and he believed that, on examination, its enactments would be found admirably adapted to effect the intended object. The bill made no alteration in the original constitution of the county court. It rendered the whole proceeding most plain and simple: the form of the plaint was set forth, and it specified the fees that were to be paid. As different counties varied in extent, it provided for the division of the large counties into districts; and it further provided, that the sub-sheriff should give notice of the time and place where the court was to be held. The proceeding would be conducted on the principle of trial by jury in a certain way; the qualification of jurors to be the same as that now required in cases of trials at Nisi Prius in Westminster-hall. A power was given to the judge before whom a case was tried to grant a new trial, on proper grounds being advanced for that proceeding. It was proposed that the remedy should not be against the person of the debtor, but against his goods. He conceived that the provisions of the bill were calculated to promote the object in view. The only part of it which seemed at all likely to excite opposition was that which was connected with the compensation of persons who were interested in the continuance of the existing system. There were, as the House knew, individuals in the higher courts, whose interests were materially concerned; and he could not introduce a measure of this nature, without providing a suitable compensation for those whose interests were at stake. He was very sorry that offices of the nature of those to which he alluded were in existence; but when measures were adopted for effecting a reform in the administration of the law, provision ought to be made for those whose offices would, in consequence of that reform, be done away with. He, therefore, proposed to award compensation for the loss of offices that were conferred for the term of life. As to compensation, having reference to the quantity of practice now enjoyed by individuals under the present system, and which might be lessened by the intended alteration, he did not mean to propose any. In the different bills introduced for the abolition of writs of error and other technical forms, the same practice had been followed. He moved, for leave to bring in a bill "for the more easy Recovery of Small Debts in the county courts of England and Wales, and for extending the jurisdiction thereof."

Mr. *Hume* was happy to hear that the right hon. gentleman intended to abolish the taking of the person, in all cases of debt decided against the defendant in the county court; because he held the principle of arresting the person to be contrary to sound sense, good policy, and humanity. If the right hon. gentleman admitted the principle in the case of persons against whom debts of 10*l.* were recovered, he hoped he would extend the exemption from arrest to debtors generally. The bill brought in by the Solicitor-general last year, which extended the exemption from arrest from 10*l.* to 20*l.*, had been of little service; for he who would swear to a debt of 10*l.*, which had no existence, would as readily extend his oath to 20*l.* During the last year, the persons confined on *mesne process*, in the five prisons, were, in comparison with those confined under judgment obtained, as eight to one.

Mr. *D. W. Harvey* approved of the bill, and trusted that the valuable principle recognized in it would not be restricted to 10*l.* The right hon. gentleman had told them, that the qualifications of the persons were to be the same as those who tried causes in Westminster-hall at Nisi Prius. Why not, then, since they were equally qualified, enable them to try causes to the same amount? He did not wish to extend the powers of the county courts unlimitedly, but he thought that they might conveniently be extended to the trial of 20*l.* cases. There was one thing he hoped would be provided for; and that was, the responsibility of the judges, who he understood were to be drawn from the sub-sheriffs. He begged also to suggest, that it might be well to enable a party, if the verdict went against him, to pay by instalments; so that a man should not be harassed by immediate execution upon judgment.

Mr. *C. Wood* observed, that as the extension of the jurisdiction of the county courts would greatly increase the number of causes in those courts, and as the consequence must be, that a large income would be derived from the increase of fees, it would be proper to introduce a clause in the bill to enable the House to regulate those fees hereafter.

Alderman *Wood* expressed his cordial concurrence in the policy of the bill. The

Small Debt Society had lately relieved three hundred individuals, who had been confined for months for debts under 2*l.* 14*s.* each. This was a lamentable state of things, which loudly called for the interference of the legislature; for while those unfortunate people were in prison, their families were probably receiving assistance from the poor-rates. He thought it would be wise to limit arrests to sums above 20*l.*

Mr. Secretary *Peel* said, that his object was, to enable the creditor to allege his debt by the simplest and most unexpensive process. For instance, instead of a cumbrous declaration, the form proposed in the bill was—"A B complains of C D. that he owes him 10*l.* for goods delivered on the 1st day of March, 1827." Before the bill was extended to debts of a larger amount, it would be wise to watch the progress of the bill as it now stood, and ascertain how it worked. At present, he proposed, in the case of a debt of 15*l.* to allow the creditor to take advantage of the provisions of the bill. But 10*l.* was a very considerable sum to the lower classes, and he thought it better not to begin with a larger. If the bill answered, it might be extended to 20*l.* He wished to reserve to the court the power of allowing the debtor to discharge his incumbrances by instalments; which would prevent an unfortunate man having his goods taken away from him, while, at the same time, it would be security to the creditor for the payment of his debt. He would limit these instalments to the space of four months, and the ulterior process of seizing the debtor's goods might be resorted to by the creditor in default of payment at the end of that period. The fees of the bailiff he had left the magistrates of the county to settle; but for the sheriff's fees, he had settled that they should in no case exceed one shilling.

Mr. *G. Lamb* expressed his gratitude to the right hon. gentleman for this measure, and thought it might be advantageously extended to debts of a larger amount. He hoped to see the time when there would be no imprisonment for debt in this country. He thought it better, however, to proceed by steps than to attempt too much at one stride; and he would suggest to his hon. friends the adoption of an old proverb.—"Do not work a willing horse to death." The right hon. gentleman had proceeded cautiously, and had never found it necessary to retrace his steps; which he might be compelled to do if he proceeded with that rapidity with which some of his friends wished him to proceed.

Leave was given to bring in the bill.

Poor Laws.] Mr. *Slaney* said, that, as, on a former occasion, he had treated this subject at considerable length, he would not detain the House many minutes now. He had shown the consequence of the abuses of that branch of the Poor-laws which related to the employment and relief of able-bodied persons: and he thought it would be conceded to him, that those abuses ought to be removed. He would now merely state, that these abuses were different in different parts of the country, though the laws were, of course, the same. In the southern counties these abuses prevailed, and the peasantry were poor and degraded: in the northern counties there were no such abuses, and they were well paid and happy. They must also recollect the burthens which agriculture was subject to, in consequence of these abuses. In the county of Cumberland, where these abuses did not prevail, the poor-rates were only 1*s.* 7*d.* in the pound on rack rental; in the county of Sussex, where they prevailed to a great extent, the poor-rates were 7*s.* in the pound on rack rental. To show that he had not acted unfairly in taking two counties, he would state that, in eight northern counties, the poor-rates amounted to 750,000*l.*, while in eight southern counties the poor-rates were exactly double that sum. To show that these abuses were extending their baneful influence to other parts of the country, he would state, that in 1800 the persons relieved by the poor-rates were as one in nine; and that in 1826 they were as one in seven. He would merely add, that his opinions on this subject were not founded on idle surmise, that his statements were borne out by returns on the table of the House, and that five committees had declared these abuses to be the source of the poverty which prevailed in the southern districts of the kingdom. The hon. member then moved for a select committee "to consider that part of the Poor-laws relating to the employment and relief of able-bodied persons from the poor-rates, and the abuses arising therefrom."

The motion was agreed to, and a committee appointed.

PROVISION FOR MR. CANNING'S FAMILY — PENSIONS ACT AMENDMENT BILL.] On the motion, that the report of this bill be now received,

Mr. *Hume* said, that, on a former occasion, he had stated the grounds upon which he objected to this grant. Since that occasion he had met with additional grounds for opposing the grant. By a discussion that had taken place on a former evening, it appeared that no less a sum than 200,000*l.* was at the disposal of the Crown. He had made an application to see how this sum was appropriated; with the view of finding out whether the funds granted to his majesty for the express purpose of rewarding meritorious services, might not be sufficient to defray this grant to Mr. Canning's family, instead of coming to the public purse for that purpose. His majesty's ministers had refused to tell him how the sum of 95,000*l.* given to his majesty for the purpose of rewarding the servants of the Crown, had been disposed of. It might be possible that it was given to the ministers of the Crown, but he did not know the fact. He did not know until the other night, that 3,000*l.* a year had ever been given to Mr. Canning. He was not aware of this until it was stated by the chancellor of the Exchequer. He did think, that until they were told how this fund was appropriated, they ought not to agree to the proposed grant of 3,000*l.* In stating this, he begged to be understood as not throwing any imputation either on the private or the public conduct of Mr. Canning; though he did not by any means approve of the whole of the public conduct of that gentleman. But the grant was spurned at, as resulting from the liberality of the House, and they were told, that it was to be considered as a mark of their approbation of Mr. Canning, as a patriot. Now, though he approved of the last acts of Mr. Canning's life, he could find no single act, until he became minister of state, with the exception of his support of the Catholic claims, which entitled him to this grant. On this ground he would move, as an amendment, "that the report be received this day three months."

Mr. *Monck* declared, that he also must oppose the proposed grant. In the case of the earl of Chatham, that House was almost unanimous in granting a pension to his family, but in the House of Lords the proposal met with considerable opposition, and a protest was entered upon the Journals, in which he perfectly concurred. He opposed the present grant on the grounds laid down in that protest. One of those grounds was public economy; and if that argument was a valid one then, it could not be less so now. The other ground was a constitutional one; namely, that in after times that act might be made use of as a precedent for granting votes for party and factious purposes. It appeared to him also, that these grants were voted on wrong ground. No services were now thought worthy of reward, unless they were performed in office and by ministers. Now, he would contend, that services quite as efficient had been performed on his side of the House. Gentlemen on his side of the House had wasted their time and talents in useless opposition to extravagant expenditure, and unjust and improper wars. They had been remarkable, too, for a magnanimous refusal of office, when a compromise of principle was required. In the precedents in favour of these grants, then, there was nothing of reciprocity. Another thing, too—public services, such as Mr. Canning was said to have performed, must always be doubtful, and it was rather the province of future historians than of that House to decide upon them. Now, he thought it would be wise to follow the ancient course and confine reward to military and naval services [Cries of "Oh! Oh!"].

Sir *J. Newport* said, he had sat in that House for five and twenty years, and when he assured them that for a large portion of that time, it had been his fortune to be in political hostility to Mr. Canning, he was sure they would acquit him of being actuated by any improper motive in voting as he should vote on this occasion. He did consider that the latter years of Mr. Canning's life had created so large a debt of gratitude, both from this country and from the whole of civilized Europe, that he should be wanting to himself if he did not come forward and support his vote by stating the reasons on which he gave it. He thought the country was indebted to Mr. Canning for liberating it from that system which, under the Holy Alliance, would have crushed all liberal institutions throughout Europe. He thought that the cause of liberty throughout the world was largely indebted to Mr. Canning, for the speedy recognition of the South American States. The question was, whether the family of Mr. Canning should not have that support from the House of Commons which an untimely death had deprived them of. It ought never to be forgotten, that when they abolished certain great offices, it was expressly stated, that whenever a case of merit was made out, that House would never be backward in rewarding it. In conformity with that pledge, he thought that the family of Mr. Canning ought to receive that support which they would have received if Mr. Canning had lived. In his opinion, a fair case of merit had been made out; nor could he believe, that the finances of the country were in such a state as should preclude it from discharging a debt.

Colonel *Sibthorp* supported the amendment. He was the last man, he hoped, to look upon public services with indifference; but he could not assent to such a grant, in the present state of the finances of the State. For himself, he should always be inclimed to say, "*de mortuis et de absentibus nil nisi bonum.*" He had differed from Mr. Canning upon many points of policy, but he would not let that feeling operate, in the remotest degree, to the prejudice of his family. He was no disappointed agriculturist, as had been insinuated, but he would persevere in the course which he had chosen; and if any suggestions were thrown out, that he acted from motives of private feeling, he would fling back such an imputation with the contempt that it merited.

Mr. *V. Fitzgerald* said, that the grounds upon which the vote ought to be supported, were grounds upon which he had hoped a difference of opinion scarcely could arise; and most sincerely had he been gratified by the declaration of the right hon. baronet who had recently spoken, that be would give his support to the grant, however to the man he might have been opposed. For himself, he had entertained no difference of opinion, either as to the foreign or the internal policy of the country, from Mr. Canning; and if he forbore from resting the present motion upon the merits of that policy, it was because he wished to found it upon a principle which the House could hardly fail to be unanimous in admitting. He wished to claim the vote as a meed of honour due, apart from the question of persons, to the services of an illustrious public man, whose disinterested regardlessness of all pecuniary considerations had left his family unprovided with those advantages, which a devotion less enthusiastic to the interests of his country might have secured them. It had been objected to, as if it were a grant of public money to the family of Mr. Canning. It was no such thing. It was to enable the Crown to appropriate to Mr. Canning's family a pension which the Crown had a right to grant to a public servant. So far was it from being a grant of public money, that it was a donation, on the part of the Crown, of a pension which the Crown would otherwise have a right to confer. The hon. member for Reading had said, that he wished the House would return to the wholesome practice of the constitution when pensions were granted only for naval and military services. God forbid that England—a country of free institutions—should be so degraded, that naval and military services alone should be regarded, and that important civil services should pass unrewarded. Such a doctrine might be held in places where no services were estimated but those of a military nature, but he did not expect to hear it maintained within the walls of the House of Commons. As to the fear that the present proposition might be brought in future as a precedent and example by a faction or a party. He did not conceive that any similar proposition would ever be made on party grounds. If it were, it would be easy to anticipate how it would be dealt with by parliament. The present proposition emanated from those who had long been Mr. Canning's colleagues; who were his successors; and who, although separated from him by circumstances during the latter part of his public life, were most anxious to do justice to his character, and to make that provision for his family to which they were entitled.

Sir *James Mackintosh* spoke to the following effect:—Sir, I feel that I should be guilty of a great neglect of duty, if, not having addressed the House upon this subject on any former occasion, I were not to avail myself of this, my last opportunity, to justify the vote which I intend to give; and, in so doing, to express my dissent from some of the maxims which we have heard—maxims subversive of the whole of that system of national rewards, which forms one of the best parts of the policy of a powerful, a civilized, and above all, a free state. In so doing, Sir, I should have been exceedingly desirous to recommend a calm tone of discussion;

a tone calculated to appease, and not to excite, those angry feelings, which are so peculiarly unsuitable to the consideration of such a subject as that upon which we are now called upon to decide. My right hon. friend, however, who has just spoken, has too well performed that office to render it necessary for me to do any thing, except to endeavour to prevent a recurrence of any undue warmth by my own example, and by the nature of the topics to which I shall advert. Sir, the only ground on which I intend to justify my opinion on this question, and the vote which, if it be brought to a division, I shall give upon it, is, that every man in the House, whatever may have been his political differences with Mr. Canning, who believes that this country still possesses the means of shewing honour to an illustrious and departed statesman, by making a moderate provision for his family, is bound to support the present bill. That proposition comprehends the justification of the vote, which, if I am called upon to give it, I shall give more heartily than I ever gave a vote upon any question whatever.—But, Sir, I am desirous of stating a little more explicitly the general principle on which, in my apprehension, honours such as these not merely may be granted, but on which alone they can justly be granted. They can be justly granted only when they have reference to a man in honourable public employment, and of splendid and distinguished endowments, when he has filled a station high enough, and for a time long enough, to enable the public to judge of his commanding talents and of the purity of his motives. Whenever that has been the character and position of a public man, and when, after his decease, his family are in circumstances to require assistance, that assistance ought not to be withheld. All who agree in the soundness of this maxim; that is, all who agree with what has been the invariable practice of all great and civilized nations, must vote for the present proposition. For, let us consider what would be the consequence if this maxim were not received. If I am justified in objecting to any such proposition as the present, on the ground that I differed in political opinion from the individual who is the object of it, it follows, that no national honours can at any time be paid to a distinguished statesman in this country. In every country, more or less, but in this country especially, where, as we all know, party is sometimes carried to a foolish excess, it is absolutely impossible that any man can pass a long public life, without supporting or opposing many measures, on which there exists the greatest difference of opinion. The nature of our constitution forbids the possibility of such an occurrence. If, therefore, an unanimous or a general concurrence in the opinions of any public man, during a period of thirty or forty years, is to be considered necessary, in order to justify a proposition such as the present, it clearly follows, that no national honour or reward can ever be conferred on any public man whatever. A victorious faction, indeed, may grant honours and rewards to its chief; but national honours and rewards can never more be conferred on meritorious public servants. It would be worse than folly to render such questions the subjects of factious contest.—Sir, no person can approach the contemplation of departed talents, genius, and virtue, without feeling that they are entitled to the reverence of every good mind. I am persuaded that such is the sentiment of every hon. member who now hears me; and that whatever warm words may have fallen from different individuals, with respect to this subject, those words are far from representing a settled and permanent feeling. We have been told by the hon. member for Reading, that he is desirous of recalling those times when national honours were paid only to the profession of arms. Sir, I should have thought that such an objection as that, had been sufficiently refuted in the first debate in this House upon the subject, by the eloquence and by the example of the hon. and gallant officer who is the commander-in-chief of his Majesty's troops in Ireland; and who is not more distinguished as an ornament of the profession to which he belongs, than he is by the manner in which he discharges his duties in this House. That hon. and gallant officer, in a manner which did him infinite credit, rejected the barbaric principle of confining national honours to the achievements of war, of war, in which it is very possible that barbarians may be able to cope with us, and declared that it would rob the rewards of valour of half their glory, if in such rewards the talents and the virtues of civil life were not allowed to participate. That hon. and gallant officer, as eminent for the qualities which he has manifested in peace, as he is for his exploits in war, rejected with disdain a monopoly which he considered injurious to his own profession. But, Sir, it has been said, that if motions such as that now before us, were not acceded to, it would not thence follow, that no honours or rewards would be conferred on statesmen. True: those honours would be conferred by the Crown; those rewards would be conferred by the Crown. The means of wealth are always opened to a statesman by the Crown; and if such a bill as that on the table is to be rejected, he will be taught to avail himself of them. All that the amendment proposed by the hon. member for Aberdeen can do is, not to take away the means of rewarding our great statesmen, but to deprive both Houses of Parliament of one of their most valuable privileges, the power of conferring rewards and honours on those, or on the families of those, whose splendid talents and virtues commanded the admiration of the world. Shall I be told, Sir, that because, at a former period, I differed from Mr. Canning on political subjects, that my present sentiments are inconsistent with that difference? Sir, it is enough for me that he was a man of honour, as every one knows him to have been; that he was a man of splendid talents, as every one knows him to have been; that he was a man whose genius exercised a powerful influence throughout Europe, and gave additional dignity and character to this country, as every one knows that it did. By the high qualities which he manifested, he rendered his public career illustrious.—Sir, I will refer to an observation of lord Bolingbroke, made in a much more chivalrous spirit than some of the remarks which I have lately listened to in this House. Being asked his opinion of the duke of Marlborough, with whom he had long had a fierce political contest, his answer was, "he was so great a man that I have forgotten what were his faults." Something has been said of the vote of this House, after the death of lord Chatham. Lord North happened to be absent at the time when that vote was proposed. He returned to the House in a hurry; and immediately after having taken his seat, rose to express the happiness he felt in being in time to share in the honour of supporting the motion. Let any dispassionate person read that part of our history; let him read it with a freedom from all prejudice, and I will then ask him, if he does not love the memory of that amiable man the more for the generous course which he pursued on that occasion? Sir, a great mistake appears to exist with respect to the vote to which I have just adverted. The hon. member for Reading enjoys the distinction of being the only man who has censured it. Since the period of its occurrence no other human creature has spoken of it in any but terms of the highest approbation. The circumstances of the case are sometimes forgot. We are apt to suppose that it was lord Chatham at the end of the seven years' war. But what is the fact? That previously to this vote, lord Chatham had for eight years been engaged in a personal and most acrimonious opposition to government; so acrimonious, that the comparatively lukewarm politicians of the present day would take fright at the language in which he occasionally indulged. If any one had said to lord North, "What! will you grant these honours to the memory of a man who has so virulently and so pertinaciously attacked you, who has charged you with folly and imbecility, who has incited his Majesty's subjects to rebellion, who has rejoiced at the resistance of America to your measures, who has prophecied the impracticability of subduing three millions of people?" Lord North might have justly answered, "I do not vote thus in consequence of these expressions, but in spite of them; I vote thus, because lord Chatham was an illustrious man, who did honour to his country; I vote thus, on the principle that if such a vote be not acceded to, we can never pay a mark of national respect to the memory of a great public man."—Sir, I will say nothing of the cases of Mr. Pitt and Mr. Perceval, except that I believe the votes in those cases were unanimous. And if the hon. member for Reading will read the protest to which he has alluded, he will find that it is not signed by those whom he would wish to quote as authorities, or hold up as examples. He will not find attached to it the names of Camden and Richmond; men who zealously employed themselves in the furtherance of the measure in question; honouring the man to whom they had nevertheless been warmly opposed. Sir, it appears to me, that the only ground on which this vote ought to rest, is that which I have described; namely, a conviction, on our part, of purity of motive, of superior talents, exerted in a high situation for a time sufficiently long, to enable the public to give that sanction to the proposed honours, without which all honours are valueless. On such grounds I rest my vote. I will not say that those who vote for the bill may not have lawful auxiliary motives. Private friendship, for instance, would be a lawful auxiliary motive, although it would not be a just ground on which to rest the vote. Such a motive might sweeten the performance of that which duty would otherwise prescribe. On the other hand, personal enmity or resentment would not be a lawful auxiliary to an opposition to the motion, for our feelings may be allowed to aid us in the discharge of our duties; but ought not to be allowed to impede us. Feelings of kindness may be tolerated, even if excessive; but feelings of a contrary character ought to be closely watched, and ought never to be permitted to prevent us from rendering honours to those to whom honours are due. The more especially should that be the rule when such honours are posthumous:—"Mors obruit iras." I do not charge—God forbid that I should charge—any one with entertaining feelings of this abhorrent nature. I have merely stated that which I have stated, in illustration of what I am going further to state. I say then, that approbation of the measures of a great statesman, is a lawful auxiliary to the motives of such a vote as the present; but that disapprobation of those measures would not be a lawful auxiliary to an opposition to that vote. If it were not so, the result would be monstrous. If it were not so, we could not have had such a vote as the present for the last century. The same reasons apply to this view of the case as to that which I have just before taken. We must lay out of our account differences of political opinion, if we admit that posthumous honours of any description ought to be conferred one minent public men. Public resentment ought no more to influence us on such an occasion than private enmity. I think, therefore, that my hon. friend was quite right, who stated his approbation of one part of Mr. Canning's political conduct as auxiliary to his motives for voting for the bill; but I should not consider any hon. gentleman right who should state that his disapprobation of any part of Mr. Canning's political conduct was auxiliary to his motives for opposing the bill. There is no inconsistency, no incongruity in this. Our opinion is required, not on the expediency of this or that political measure, but on the value of great talents honestly exerted for the benefit of the country.—Sir, I might enter much more largely into this subject; but I will abstain from doing so. I will only allude to what a great poet has said of two Statesmen, who in their day opposed each other with the firmest determination. The state he observes—

"Carteret's calm mind, and Stanhope's noble fame
Admir'd; and saw their generous end the same."

Nor will a great poet of our own time be charged with being lukewarm in his political feelings, because, when speaking of the neighbouring graves of the two greatest statesmen of modern days, he says—

"Drop upon Fox's tomb a tear,
'Twill trickle to his rival's bier."

I mention these circumstances as proofs of the unsophisticated feeling and common sense of mankind on this subject; for to those feelings and to that sense will every great and successful poet be found to have addressed himself.—Sir, with regard to myself, I can most conscientiously declare, that if the same question had arisen in 1821, I should have given the same vote upon it that I shall give this night. That vote would have been as satisfactory to my conscience, although it might not have been so gratifying to my feelings as a public man. But I will abstain from further remarks, not only out of respect to those hon. members who differ from me on this subject, but also out of respect to the memory of Mr. Canning himself; whose name is already under the guardianship of the historian. A friendship of six and thirty years with that highly-gifted and extraordinary man, has given me, I confess, a deep interest in any measure which is intended to do honour to his memory. An humble place in his friendship was the only favour that I ever received from him; but it was the greatest that he could bestow.

Mr. *Courtenay* said, that his sentiments on this question had been so completely anticipated by what had fallen from the right hon. and learned gentleman, that little was left to him to say; yet, when the House considered the situation in which he stood, with respect to the late Mr. Canning, he hoped they would allow him briefly to state the grounds on which he should suppo this vote. He was glad that the example of his right hon. and learned friend had permitted him to use the auxiliary of private friendship on this occasion, for he was connected by ties of private friendship, and also by those of gratitude, to the deceased statesman. He could mention instances which would at once illustrate, not less the greatness of his late friend's mind than the goodness of his heart; but as many of those were personal to himself, he would not dwell on them. The question which had been raised on the ground of economy, was equally whimsical and absurd. That the country, to which thirty million of taxes had, within fifteen years, been remitted, could not now afford 3,000*l.* a year to reward the services of one of its ministers, was absurd, particularly when that sum was to be taken from a fund which was otherwise at the disposal of the Crown. Not less absurd, he thought, was the argument derived from the protest in the case of lord Chatham,—that such a grant would be made from party feeling. Surely this argument could not apply to the case of a pension to an individual, whose accession to power occasioned the retirement of the very party by whom the grant was now proposed. The argument of the hon. member for Reading, that we should return to the practice of our ancestors and grant pensions only for great naval and military services, was strange, to say the least of it; for, at what time was this the practice? At a period of some centuries back, when there were no civil services to be rewarded: but it was more strange at a time when the heads of some of the highest families in the country were those whose ancestors had laid the foundation of their fortunes in the rewards which had been conferred upon them for civil services. He would ask any man, whether the talents of the late Mr. Canning did not warrant his being taken up into the higher orders of the state? But, though the forms peculiar to our constitution, and to ours alone, did not permit that, consistently with the continuance of his services in that place in which they were so eminently useful, yet he thought the Crown had been most properly advised to confer those honours on his family to which he himself would have been so justly entitled had he been spared; and when that family were brought before the House by the ministers of the Crown, he thought they were entitled, in virtue of the services of their late head, to that sum which had been granted for three lives in so many instances, as the reward of civil as well as military services. It was asked, whether the services of the late Mr. Canning could be compared with those of the duke of Wellington. He did not intend to make any comparison of the kind; but he thought they were equal to any of those other distinguished individuals who had been raised to the peerage, and who had obtained premiums of 2,000*l.* a year for three lives for military services. He would not press the subject further than to say, that if the House refused premiums on grounds such as had been urged, they would in future confine all the great offices of the state to persons of high hereditary rank; and he asked those gentlemen, the Whigs, who ascribed to themselves the peculiar guardianship of popular rights, and the possession of popular feelings, whether they would consider this to be consistent with the constitution of the country? He could say more on this subject, but he had been anticipated by what had been so well observed by his right hon. and learned friend as to the grounds of grants to public men. He could go to the circumstances of the political life of his late right hon. friend, and in the review of that life he would say, that if there was any thing in which he had been at all to blame, it was in having lent himself too much to the views of the hon. member for Dorsetshire (Mr. Bankes), who now was among those who opposed the grant to his family. But in the other acts of his right hon. friend's political career, there was nothing in the last of his career inconsistent with the first.

Mr. *D. W. Harvey* said, he would cheerfully concur in the speech of the right hon. and learned member behind him, if he could bring his mind to believe that splendid talents, highly cultivated, were the sole guide to public reward; and the more readily should he do so, as he saw no living evidence that the precedent was likely to become extensively burthensome to the country. But, greatly as he admired the transcendent powers of Mr. Canning, and that brilliant combination of mind and beauty which marked his parliamentary efforts, yet that pleasure was, with few exceptions, greatly subdued, because he thought those talents had been directed to purposes at variance with the ends of all good governments—the freedom and the happiness of the people. Recent events had combined the most opposite parties, and hence originated that singular concurrence in a grant which, under other and not very distant, circumstances, would have been very dissimilar. That factious feelings had had their influence, was manifest from the protraction of the proposal; for to what else could be attributed the delay of a measure which, if at all, ought to have been brought forward at the beginning of the session? Or had ministers been terrified into the proposal by the notice of motion recently given by a noble lord? The hon. member said, it would be as unjust to future ministers, as inapplicable on the present occasion, to say that great talents alone formed the basis of national gratitude. It was their useful direction that gave to them their charm and value; and he saw nothing in the straight-forward management of a nation's affairs, which might not be effected by an ordinary mind, aided by industry and a singleness of purpose. But if it were competent for hon. members to dwell on isolated acts, which in their judgment merited applause, and called for public compensation, it could not be less appropriate for those who differed to point out those measures of public policy which rendered Mr. Canning's conduct open to reprehension. When he traced the public conduct of many of those whom he now saw around him, and who were the supporters of this grant, he could not fail to remind them, that they had for years opposed, by the sternest and apparently with the sincerest efforts, the public course of Mr. Canning, which, in his judgment, had inflicted on the country the direst calamities. He could not forget that that distinguished individual had, on every occasion, manifested the bitterest and most uncompromising hostility to every measure which recognised the rights and liberties of the people. Never was the stream of his untameable eloquence directed more strongly than when it flowed in that course; never did man indulge in more savage and brutal derision of the corporeal infirmities of a fellow-citizen, nor mangle with more ferocious delight the charters of a nation's freedom. It was further alleged in support of this grant, that Mr. Canning displayed a magnanimous contempt of riches; but he could not reconcile this pretension with that eagerness with which he sought and seized on the 10,000*l*, given as the price of what had been appropriately termed the "Lisbon job." But least of all could he overlook the fatal effects which had arisen from the exertions of his powerful talents, when he infatuated the strongest and proudest opposition ever formed under the auspices of the Whig aristocracy, and seduced them captive to leave the opposition benches, and, without any stipulation in favour of popular pretensions, to throw their whole weight in aid of his personal ambition; and when he had undeniably secured them, when retreat would have been as disgraceful as the advance was inglorious, then it was that Mr. Canning expounded to his Whig converts his and their political creed—that never would he support parliamentary reform, and that he was decidedly adverse to the repeal of the Test and Corporation acts. No one more admired the splendid burst of eloquence by which Mr. Canning so frequently fired and enchanted that House than he did; but at the same time, being deeply impressed with the mischievous effects which his principles, his policy, and his power, had entailed on the country, he felt it his duty, however painful, to vote against this grant.

Dr. *Phillimore* said, he had not intended to take any part in this discussion, but after what had fallen from the hon. member who spoke last, he could not give a silent vote. He was surprised at first, why the hon. member had so construed the speech of his right hon. and learned friend as to dismiss from his consideration all the historical recollections of the life of Mr. Canning; but, as the hon. member proceeded, he saw on what ground he had dismissed them; they would not have answered his purpose, and therefore he touched only on those points which were calculated to excite angry feelings. His right hon. and learned friend's object had been to allay any such feelings, but the hon. member who last addressed the House, had, with perverse diligence, raked up every thing calculated to give a different tone and temper to the discussion. Now, he thought that the circumstance under which they were called to vote this grant was an addition to the praise of the lamented individual to whose services it referred; namely, the comparative poverty in which he had died. It was the duty of that House to take care that the families of those who had devoted themselves wholly to the public service should not suffer by that devotion. It was, indeed, the best economy to encourage men of rare talents and acquirements to devote themselves wholly to the public service. The same honourable exertion in any other pursuit would have left the right hon. gentleman's family independent of any such grant; but

> "Fame is the spur, which the pure soul doth raise
> To spurn delights and live laborious days."

He owned he was surprised to hear, in the British House of Commons, of any objection of the kind which he had heard that night against this grant; for there, and there only, it had been urged. If he had any objection to this grant,—it was, that it was dealt out with too niggardly a hand. It was, he conceived, a departure from the principle which had been laid down in former cases. He did not wish to make comparisons with others, but it was admitted by all, that his late right hon. friend had possessed the most eminent talents, and that they had been all devoted to the service of the country.

Sir *G. Murray* regretted to hear the grounds of objection which had been taken to this vote. These were various and inconsistent: some were on the score of economy, that it was too much; others that it was not enough; and others, again, that it should not be granted because of former votes in other cases: but he thought those objections had been set at rest by the eloquent speech of the right hon. and learned gentleman. It was painful to think, after the long and meritorious services of Mr. Canning, there should be such opposition to a grant which was deserved on so many grounds. What must have been the feelings of the right hon. gentleman in his last moments, and what his anxiety at the destitute condition of his wife and children? But how much more painfully acute would they have been, if he could, at that moment, have anticipated such a course as had that night been taken, in opposition to the very moderate provision which had been proposed for them? Did such an opposition become the representatives of a generous nation? Did it become them to refuse this scanty pittance to the family of one who had wasted his best energies and spent his whole life in the service of the public? If there was any ground for this grant, extrinsic of the great services of the late lamented statesman, it would be found in the principle, that it was wise, by a proper provision in such cases, to encourage others to enlist their talents in the service of the country. He owned that, if he felt any satisfaction at seeing this vote pressed to a division, it was on the ground that the memory of the deceased would be as much honoured by some persons endeavouring to withhold it, as by the cordial vote in its favour which others would feel bound to give. His undying fame would drag their names along with it to future ages, with a degree of celebrity, that nothing in themselves could ever have conferred.

Mr. *Liddell* said, he could not remain silent, after the manner in which the hon. member for Colchester had mentioned the name of the late Mr. Canning. The hon. member had said, that he had spoken of the Manchester massacre with savage brutality. Now, if any man would look back to the history of that time, he would find that there was no just ground for such a charge. He would admit that the right hon. gentleman had, on the occasion alluded to, made use of one indiscreet expression; and dearly had he afterwards paid for it, by the gross misrepresentations to which he had been subjected in consequence; but it would be found that the expression had not been used in the offensive sense in which it had afterwards been described, and that it was almost deserved by the individual to whom it had been applied. As to the talents of Mr. Canning, there could not be a difference of opinion; but it was not for the possession of those talents that the pension was now granted to his family, but for their entire devotion to the service of his country. Mr. Canning had filled several public offices, and he had filled them, particularly that of Secretary for Foreign Affairs, to the satisfaction of all, and in a manner highly beneficial to the country. It was on these grounds that the provision was now proposed to his family. But it was said that the opinion of the people was against this grant. He should, however, be at no loss, not only to justify this vote to his constituents, but to glory in having paid the tribute of his homage to long-tried public services, private worth, and exalted genius.

Mr. *Batley* said, he should, on constitutional grounds, give his cordial vote in favour of the grant.

Mr. *F. P. Cust* said, he would state in a few words, the grounds on which he should give his vote. He could not but admit that the late Mr. Canning had been faithless to that party by which his talents had been cradled. He must also say, that he was irregular in his ambition, and not constant in his political attachments. Of this the sudden friendship which he had conceived for those to whom he had been so long opposed, was a proof: but that sudden friendship was accompanied with a haughty and overbearing conduct towards those who were thus suddenly enlisted amongst his political supporters. At the same time, he would admit his great talents; and it would be injustice to deny that the country owed much to his powerful exertion in opposing the innovation of jacobinical principles. These circumstances gave to his family a strong claim on the liberality of parliament, and he was satisfied that if there was but a shilling left in the coffers of the country, it could not be better bestowed than on this grant.

Mr. *J. Maxwell* supported the vote, on the ground of the public services of Mr. Canning, and thought that ministers were entitled to thanks for having introduced it.

Mr. *Stewart* said, he entertained, for the memory of the illustrious statesman, the highest possible respect, and felt bound to give to the motion his cordial support.

Sir *R. Fergusson* hoped the House would not imagine that, in the vote which he should feel himself conscientiously bound to give on the present question, he was influenced by personal motives. He must oppose the motion, but that opposition was founded solely on constitutional grounds. He for many reasons, however, wished his hon. friend to withdraw his opposition for the present.

Mr. *P. Thompson* felt himself called on to state on what grounds, if his hon. friend should divide the House, he should vote with him. Having already had an opportunity of stating the constitutional grounds of his opposition, he was inclined not to oppose the present motion, lest the opposition might appear to be of a personal character: but, after the speech of the gallant officer opposite, which was not in accordance with his usual good taste, and which threatened those who opposed the grant with the obloquy, not only of the present generation, but of posterity, he felt himself obliged to support the amendment. He thought it was incumbent on all those who opposed the grant on constitutional grounds to show that they had acted conscientiously by voting with his hon. friend. He had heard the language of the gallant officer with surprise and astonishment; particularly when he recollected by what noble lord the opposition had first been made. It was not for him to praise that noble lord; but the language which had been applied to the minority by the gallant officer deserved no other answer than a repetition of the vote formerly given. For this reason, he should vote for the amendment of his hon. friend, if he did not withdraw it; which he would at the same time, recommend him to do.

Sir *James Scarlett* said, he had not understood the gallant officer to impute any thing improper to those gentlemen who had voted against the measure on constitutional grounds. His urbanity recommended him as much to his friends, as his gallantry made him distinguished in the country. He had alluded, he thought, to those who, in the debate, had raked up all the topics which they could possibly collect against Mr. Canning, and which were now every where forgotten, except as they were still made the vehicles for vulgar abuse. Giving the hon. member for Colchester all possible credit for his integrity, he thought his speech was in much worse taste than that of the gallant officer. He did not mean to follow the hon. member for Colchester through all his remarks, but he would say that, the more Mr. Canning's character, public and private, was investigated, the brighter and the purer would it appear. The question had been argued on constitutional grounds, and the grant opposed as unconstitutional. Now, he thought there was nothing unconstitutional in it. The Crown had been accustomed to reward great public services in a liberal manner; but parliament had taken away the means, promising, when it did take them away, to be always ready to meet the wishes of the Crown on such a subject. Was it, therefore, unconstitutional for parliament to bestow great rewards for splendid public services? It was not: there were many instances to the contrary. The rewards bestowed on the duke of Marlborough were the subject of an act of parliament. The more modern examples of similar proceedings, had already been referred to, and he did not know on what ground the grant was unconstitutional. He understood the argument of those who said that where there had been no services there ought to be no reward; but he did not understand the argument of those who admitted services, and yet said it was unconstitutional to reward them. Assuming the services, he contended, that to reward them was quite constitutional. Mr. Canning's life had been devoted to his country. If, with his great talents and commanding genius, he had pursued the profession he first intended, and had been called to the bar, he would have illustrated that profession, and have added to the fortune of his family, in a far higher degree than he could ever do in the civil service of his country. No man had ever reproached him with having been wanting in honour, or fixed a stain on his integrity. His life had been devoted and even sacrificed to his public duties. No man could doubt that his life had been shortened by his public services. And, was it right for the House to refuse its protection to that family which had been deprived of him. He concurred in the motion most heartily and cordially, and he concurred in it on constitutional grounds. If he had differed with Mr. Canning more than he did on political questions, he should have given the same vote; but of all the public men he ever knew he differed least from Mr. Canning on public principles.

The House divided: For the Original Motion 73; For the Amendment 14; Majority 59.

HOUSE OF LORDS.

Friday, May 23.

Greek Prisoners of War.] The Earl of *Darnley* wished to call the attention of the House to a subject, in which the best interest of his Majesty and the honour of the country were concerned. He alluded to what was understood to have taken place since the battle of Navarino, with respect to the inhabitants of the Morea. If he were not misinformed, not fewer than four thousand inhabitants of that country, the flower of the population, had been transported to Egypt, for purposes too detestable to detail. The conviction on his mind was, that if the glorious battle of Navarino, from which the most useful results might have been expected, had been received in this country as it ought to have been, such an event would not have taken place. He feared that the fact of that atrocity having taken place could not be doubted, and he wished to know from the noble duke, whether measures had been taken to prevent its recurrence and to restore the unfortunate captives to their country.

The Duke of *Wellington* was sorry to say, that certainly a great number—how many he could not say—of the inhabitants of the Morea had been carried to Egypt. That was certainly the fact—a fact, the existence of which was very much lamented by his majesty's government; who had done every thing in their power, by orders which had been sent out, to prevent the recurrence of such a misfortune; and he could now say that measures had been taken which would have that effect. He could also assure the noble lord, that directions had been given to the Egyptian troops, and endeavours had been made, as far as possible, to obtain their liberation.

HOUSE OF COMMONS.

Friday, May 23.

Corn Importation Bill.] The Chancellor of the Exchequer moved the third reading of this bill.

Mr. *Western* said, he had abstained from fatiguing the House with his opinions on the subject of the Corn-laws during the late discussions, because he found the unequivocal sense of the majority was against him. Having, however, directed his attention to this subject for a great many years, and often taken an active part in the discussions upon it, he was desirous, on the present occasion, to record the opinions which he had long formed and acted upon, in the shape of a string of resolutions upon the Journals of the House. As to the general state of agriculture, although the farmers had, in most instances, recovered from the extreme depression into which they had been cast in the year 1822, he cautioned the House how they proceeded upon the notion, that the farming interests could bear tampering with. The subject was one of peril and difficulty, and he hoped they would pause before they pressed heavier on those who were the least able to bear that pressure. The hon. member concluded by moving the following Resolution, by way of amendment, viz.—

"That every legislative enactment affecting the agriculture of the country, or the commerce in grain, should have for its sole object the attainment of the most secure, steady, and abundant, supply possible:

"That, in order to accomplish this object, means very different have at different times been suggested; on the one hand it has been maintained, that a free commercial intercourse with foreign countries should, for this purpose, be allowed; on the other, the exclusive encouragement of British agriculture has been deemed the more effective and the safer policy:

"That our laws have for near two hundred years been framed upon the principle of the latter system above-described:

"That the most abundant supply, with the least fluctuation of price, and with a surplus for exportation, has occurred in those years in which the most effective protection has been given to British agriculture:

"That the act of 1815, prohibiting the import of foreign corn till the price of wheat rises to 80*s.*, has been followed by an average of 65*s.*, calculated upon the twelve years that have since elapsed, and of 57*s.* upon the last eight years, and other grain has borne a proportionate low price:

"That, though this price, so much lower than the import prohibitory price, and the average price of the preceding twenty years is chiefly attributable to the increased value of the currency by the act of 1819, it affords ample proof that the producers of grain can no more uphold the price by means of the prohibition of foreign import, than the producers of any other article could save themselves from the depression which that act has occasioned in all the other products of industry:

"That the competition of the British growers of corn with each other has, in general, kept their profits below the profits of capital and industry devoted to other pursuits, and capital invested in land, in general returns a lower interest than when otherwise employed:

"That the cultivators of the United empire have, from its soil and climate, from their skill and industry, and the facility of conveyance, the means of rendering in our markets an abundant supply of grain with less labour, or, in other words, at a lower labour price, than most of the countries from whence a foreign supply would be drawn:

"That for many years the money price of corn was at or below the continental price:

"That the present excess of price over the continental price is owing to artificial causes:

"That taxation adds to the cost of production, and the additional charge so created must be paid, or the production will be discontinued:

"That the burthen of taxation has been further increased in the ratio of the increase of the value of money, under the operation of the act of 1819:

"That, though the price of grain is thus forced beyond its natural level, and the level of the continent, the growth of the United Empire is adequate to the demand in ordinary years, and might be increased to an incalculable extent; and that, under these circumstances the introduction of foreign grain must eventually displace an equal quantity of home growth, adding therefore nothing to the aggregate supply, rendering a portion of it very precarious, annihilating the capital employed in the production of the corn so displaced, and depriving of occupation such a number of husbandmen as the cultivation required:

"That the bill now upon the table, admitting foreign corn at all times upon payment of the duties therein provided, and into warehouse free of any duty till taken out for home consumption, must, in all probability, produce that effect:

"That the most fatal consequences would ensue from the operation of such a system; that the countries which shall hereafter supply us with grain in lieu of so much British displaced, would in our necessities raise a revenue by duties upon the export, which must be paid by us; they would increase their marine, by confining the corn trade to their own ships; and, finally, when our dependence upon men becomes further increased, they might in time of war force us to submit to any terms by closing their markets to our manufactures, and withdrawing from our unoccupied and famishing artizans that food which from them alone could then be supplied."

Mr. *F. Lewis* said, he was not surprised that the hon. member for Essex had taken the opportunity of recording his opinions, and showing to the public and his constituents that he had discharged his duty; but in the present stage of the bill it was surely unnecessary to enter upon a discussion of the merits of the measure.

The Amendment was negatived, and after a short conversation, the bill was read a third time.

Cities and Boroughs Polls Bill.] Colonel Davies moved the further consideration of the report of this bill.

Colonel *Sibthorpe* was no friend to unnecessary expense, but thought that the bill curtailed constitutional enjoyment, on occasions which were not of frequent occurrence.

Mr. *F. Palmer* said, that, if the hon. member meant by constitutional enjoyment, eating and drinking for fifteen days, he thought that a detestable nuisance, and a disgrace to the country. At the same time he did not agree as to the time laid down in this bill. He thought there ought to be a graduated scale of time, adapted to the number of voters, and the facilities or difficulties of bringing them to the poll. It was his intention to amend this bill as far as he was able; and if he could not effect the amendments he wished to introduce, then he would do his utmost to throw it out, in order that he might introduce another bill, more congenial to the feelings of the country.

Colonel *Davies* said, that if the hon. member had been with him in the committees upon this bill, he would have seen, that so far from being able to effect a graduated scale, he had found the greatest difficulty in getting any scale of time at all agreed to.

Mr. *Sugden* opposed the bill, as calculated to cramp the free exercise of the elective franchise. He thought the time allowed for the poll not sufficient.

Mr. *Batley* thought the time allowed quite sufficient.

Mr. *Monck* believed that the learned member had greatly overrated the difficulties of the bill.

Mr. *O'Neil* opposed the bill, as calculated to restrict the time allowed for polling in an inconvenient degree.

Mr. *Robinson* thought the time ought to be extended to ten days.

Mr. *Fyler* supported the bill, and thought six days sufficient.

Mr. *Trant* opposed the bill, and moved that the report be taken into consideration that day three months.

The amendment was negatived.

Labourers' Wages Bill.] On the second reading of this bill being moved, Mr. *Benett* said, he hoped no steps would be taken upon the bill, without full consideration. Whatever faults there might be in the administration of the Poor-laws, he was convinced that, in principle, they could not be dispensed with.

Mr. *Slaney* said, that he was only anxious to have the bill referred to the select committee, on the Poor-laws. On the report of that committee, perhaps some measure, in the next session, might be found practicable. The abuses of the Poor-laws were all that he complained of.

Sir *T. Fremantle* bore testimony to the abuses of the Poor-laws in his vicinity. In many parts of Buckinghamshire the system was, to pay the labourers only four or five shillings a week, and the parish rates made up the deficiency.

Mr. *F. Palmer* said, that the state of things was just as bad in Berkshire.

The bill was then read a second time, and the House adjourned to the 30th.

HOUSE OF COMMONS.

Friday, May 30.

Ministerial Changes — New Writs.] Mr. Planta having moved a new Writ for Perthshire, in the room of Sir George Murray, who had accepted the office of Secretary of State for the Colonies, in the room of Mr. Huskisson,

Mr. *Hume* said,—I am aware, Sir, that, strictly speaking, this House has no right to interfere with the king in the appointment of the officers to whom he wishes to intrust the direction of his government. But I think that, in the present state of the country, as well as of our colonies, this House, and the country at large, have a right to expect some guarantee, that an efficient officer will be appointed to the very important situation of Colonial Secretary. The right hon. gentleman who lately filled that office, was commencing a system of kindness and conciliation, which was calculated to produce union and peace in our colonies; and, if a different system be now adopted, both will be banished, and discord and disunion will prevail in their stead. For my own part, I anticipate a change of our colonial policy; and I dread it the more at the period like the present, when our internal state requires that every practicable reduction should be made both at home and abroad. No man can look at the present state of the

Canadas without perceiving, that a recurrence to the system so recently and so justly complained of, must be productive of the most disastrous consequences.—Sir, I cannot view, without alarm and distrust, the appointment of a gallant officer, however great his military skill, to an office so purely civil. I think such an appointment likely to be attended with the most alarming consequences: but, in saying this, I mean not to impugn the high military character of that gallant officer. I believe that, during the war, we never had a more able and efficient Quarter-master-general, or one who was more obedient to the commands which he received. But I cannot view his appointment without jealousy, when I recollect, that I heard him in this House declare, that our troops preferred the flogging system to the substitution of other punishment. If the gallant officer means to act upon that principle of coercion in his new appointment, which was adopted by lord Bathurst, in preference to the conciliatory course pursued by Mr. Huskisson, and so favourably received, I must say that we shall have to deplore the results. I must repeat, that it is the duty of this House, to object to the appointment of a military man under such circumstances, no matter how high his rank, or how exalted his military fame. It should be our care to render our colonies as available as possible; but this we can only do by the adoption of a government over them, which shall be looked upon, and felt, to be purely of a civil character.

Colonel *Lindsay.*—Sir, I find it impossible to listen to the observations made by the hon. member, without feeling desirous to say a few words in answer to the observations he has made upon the appointment of my gallant friend. And first, I will ask, whether it follows, that, because a man has borne arms, he is therefore unfit to hold a civil appointment? Is a man, because he has been brought up in the school of honour, the less fit to devote himself to the service of his country in a civil capacity. Under all the circumstances, I consider the observations of the hon. member, to say the least of them, a little premature and uncalled-for. As to the gallant officer; I know no man more competent to fill the situation. He had been long stationed as a military officer abroad; and had an opportunity of making himself acquainted with our colonies; and particularly in the Canadas: for he was specially deputed to that colony by government, for the purpose of making a report upon its internal institutions and regulations.

Sir *George Warrender.*—Sir, I can bear testimony to the high character and military talents of my gallant friend. He has, upon every occasion, discharged his military duties in a manner alike honourable to himself and advantageous to the country. But I cannot help expressing my dismay, at witnessing the frequency with which administrations have, in succession, been broken up, by private dissentions and internal quarrels. I should look upon these changes with distrust at any period, but they are peculiarly to be dreaded when coupled with the state of the country, our foreign relations, and our colonial possessions. There are great public questions shortly to be agitated, as well in this as in the other House of Parliament, which must depend mainly upon the character and principles of the cabinet; and I hold it to be a heavy responsibility on the part of those who create disunion and distrust, where union and co-operation ought to prevail. Such a course of proceeding must of necessity create a want of confidence in this House and in the country, and without confidence, it is impossible that public business can proceed. I feel bound to acknowledge the eminent services rendered to this country by the noble duke at the head of his majesty's councils, in his military character; but I entertain apprehensions of the continuance of his civil career. I trust in God, that the military glory which he has achieved may not be eclipsed by the misfortunes of his civil appointment.

Sir *A. Hope.*—Sir, I am surprised at the objections urged against the appointment of military men to civil offices. The House has now before it the manner in which civil appointments have been discharged, and from that specimen it can judge of the general fitness of military men for such appointments. Sir, I maintain that, generally speaking, they have been the most competent persons to hold them. If we maintain, that a military education disqualifies a man for a civil appointment, then we have a right to say that it disqualifies him for a seat in this House; nay, for the possession of every right of a free citizen. Not far back, every gentleman thought it dishonourable not to have borne arms in defence of his country; and this being the case, that profession cannot be looked upon as depriving a gentleman of his rights as a citizen. Sir George Murray highly distinguished himself as Adjutant-general in the West-Indies, and also in the Canadas, at a most trying moment.

Mr. *Hobhouse*;— Sir, if all I have heard be correct, I think the appointment of the gallant officer in question as good as any that it is in his majesty's power to make. But I do hope and trust, we shall soon have an assurance, that the administration is permanently settled; for I think it would be better that we should act upon a system in some degree defective than that our whole policy should be in a state of continual change. All who have witnessed what has taken place in this country within the last twelve or thirteen months, must see the necessity of coming to some fixed determination with respect to the administration. Within the short period to which I have alluded, we have had no less than four Colonial Secretaries, not to allude to the other equally numerous changes of place. Under these circumstances, how can we hope for any perfect system of colonial legislation.—Sir, when we look around us, we must feel convinced, that if we are not to have one set of individuals, we ought at least to act upon one fixed and determinate system. In some of our colonies it has, for some time, been unknown who was Colonial Secretary. We scarcely sent them out the name of one individual, than they were informed that that individual had been displaced. Under such a system of change, how can any efficient colonial measure be expected? For myself, I am ready to give my humble support to any ministry formed on sound, constitutional principles, without caring from what party, or set of men, they may be chosen.

The motion was agreed to.

Miscellaneous Estimates.] The House having resolved itself into a committee of supply, to which the Miscellaneous Estimates were referred,

Mr. *G. Dawson* moved, that 140,000*l.* be granted to defray the civil contingencies of the year 1828.

Mr. *Hume* complained, that so many items were classed under a single head, and thought it would be much better that they should be separated in the estimates, in order that each might be dealt with upon its own merits. There was, for instance, under the present head, such a sum as 9,896*l.* for the commissioners appointed to inquire into the government at the Cape of Good Hope. As he had mentioned that vote, he could not help observing how extraordinary it was that they should go on paying money, from year to year, for commissions which had hitherto done nothing. This commission was of five years' standing, and yet the House had seen nothing from them, but a few garbled extracts from a report which did not enable the House to form any opinion on the subject which they were appointed to investigate. In his opinion, parliament ought to have the whole of these documents before them, that they might know what the opinion of the commissioners was, with respect to the misgovernment of which they had heard so many complaints. He was anxious to know whether the House was to be made acquainted with the result of the commission of inquiry: not that he expected from their report any redress to the colonies for past grievances; but he should feel a satisfaction in knowing whether their former statements had been correct.

The *Chancellor of the Exchequer* said, the commissioners had not yet made their final report. He remembered that, in a former case, when part of a report was submitted to the House, it was felt that it would be inconvenient to lay the whole upon the table, in consequence of some individual reflections. He hoped he should soon be able to answer the questions put to him.

Mr. *Hume* said, that a million of money had been paid in the course of the last twenty years, for commissions of inquiry; in return for which, we had only received extracts and abstracts, and all sorts of partial and garbled statements.

Mr. *Dawson* observed, that the suggestion of the hon. gentleman for separating the estimates, might form a proper subject for the finance committee, but could not be entertained in a committee like the present.

Sir *J. Newport* was of opinion, that parliament had a right to the whole of the reports, and ought not to be satisfied with mere extracts.

The *Chancellor of the Exchequer* said, he did not deny the right of parliament to the whole of the reports: he had merely alluded to a particular instance, in which the right hon. baronet himself had agreed at the time.

Mr. *Gordon* maintained the right of parliament to a full and complete report of the commissioners whom they had appointed.

Mr. *Peel* said, that his right hon. friend could not mean to deny the right of the House, but to except only such cases of individual difference and hostility as ought not to be revived, unless connected with some question relating to the public service.

Mr. *Baring* could not concur in the distinction drawn by the right hon. gentleman, for he seemed to forget, that the whole of those questions between the colonies and their governors were questions of a personal nature. All the petitioners complained of the gross misgovernment of individuals, and it was to be remembered, that every one of our great colonies had now come forward with complaints. Unless the gallant officer now at the head of that department, could devise some better mode of governing the colonies than had hitherto been adopted, it was to be feared that great evils would arise under the present system. If it was to be understood that every thing of a personal nature was to be struck out from these reports, the House never could understand the question between the colonies and their governors. The case was different in matters of a strictly private nature, though even then he should be very jealous of leaving it to the colonial department to decide what was private and what was not.

Mr. *Peel* said, he had merely alluded to private differences, which were known to exist at the Cape.

Mr. *Hume* was of opinion, that when a public commission was appointed, it ought not to be in the power of ministers to defer the presentation of their report, because it contained matter of a private or a personal nature. They ought to take it for granted, that the commissioners whom they appointed would not introduce into their report any thing that was frivolous or impertinent. As he intended to take another opportunity of saying a word or two on these reports, he would leave them without further remark at present, and would proceed to notice an item of 6 000*l.* which was charged for defraying the expenses incurred by the commissioners appointed to carry into effect the 4th, 5th, 6th, and 7th articles of the treaty of Ghent, between his Majesty and the United States of America: and another item of 2,400*l.* charged for defraying the expenses of the commission appointed to carry into effect the stipulations of the convention signed at St. Petersburgh, in 1822, for the more effectual execution of the 1st article of the same treaty. The chancellor of the Exchequer had been one of those commissioners; and, if he recollected right, the commission itself had been appointed soon after the peace of 1815. As it had already cost the country between 70,000*l.* and 80,000*l.*, he wished to know how long it was to continue, in what state of progress the negotiations were, and when the public was likely to hear of their having been brought to a termination.

The *Chancellor of the Exchequer* said, it would be in the recollection of the committee, that it was arranged, under the treaty of Ghent, that commissioners should be appointed to settle the boundary line between the territories of his Britannic majesty and of the United States. It was found that such a settlement could not be made without commissioners being present on the spot; and in consequence two sets of commissions had been appointed. He was happy to state, with regard to one of them, that their labours were already terminated, and with regard to the other, that they would terminate in the course of the next year; so that, after that period, the committee would not be called upon to make any further grants upon this head. With respect to the item of 2,400*l.* it was rendered necessary by the convention which had taken place at St. Petersburgh. The commissioners appointed by the two contracting parties to the treaty of Ghent had power reserved to them to defer any point disputed between them to any foreign Court which was friendly to them both. A disputed point had arisen, and the power appointed to decide it was the court of St. Petersburgh.

Mr. *Hume* said, there was a charge of 4,000*l.* for the commission established at London and Madrid, for carrying into effect the convention concluded at Madrid in March, 1823, for settling the claims of British and Spanish subjects. He wished to know whether that commission had made any progress?

The *Chancellor of the Exchequer* replied, that negotiations were going on between the two governments, the object of which was to relieve the country from this expense.

Mr. *Hume* proceeded to contend, that the country was paying more for its diplomatic services than any other in the world. Besides the charge of 226,000*l.* on the civil list, for diplomatic services, there was a charge of 42,000*l.* for extraordinary disbursements. He had expected that after the promise made upon this subject last year, some reduction would have been made. It was a charge disproportioned to the wants of the country. By whom, then, was it to be reduced? The House was unwilling, and ministers refused to reduce it; and so it would go on, he was afraid, to the end of time. He was sorry to see among the presents, 500*l.* to the Brazilian Chancery, on the ratification of the treaty; and again, 1,000*l.* to the Mexican Chancery on a similar occasion. Now these charges were novel in themselves, and ought to be disallowed in future. He understood that Mexico had adopted the law of the United States, by which it was made penal for public servants to receive presents from foreign courts. He therefore wished to know whether 1,000*l.* had actually been paid to the Chancery of Mexico? With respect to the presents to the Russian and French Chancery, they ought to be put an end to immediately.

The *Chancellor of the Exchequer* said, that when the treaty was signed, the Mexican government thought proper to make a present of 1,000*l.* and it was usual, in diplomacy, to return it: but, whether that was, or was not, consistent with the law of Mexico, he could not say.

Mr. *Hume* said, that a stop should be put to this exchange of presents with foreign ministers, which he looked upon as nothing else but bribery and corruption [a laugh]. After all the pains we had been taking to make electors honest, we ought to take some pains to make the high officers of state honest too. Public functionaries ought to be prevented from receiving presents in this manner, or be compelled to pay the amount into the public treasury.

Captain *O'Neill* wished to know whether the hon. member would reduce those who represented the majesty of England to this wretched condition—that they should receive presents from foreign powers, and not be allowed to make them in return?

Mr. *Hume* thought, that it would be a great saving to every country, if a stop were put to the practice of making and receiving presents.

The resolution was agreed to.

Mr. *Dawson* then moved, that 98,413*l.* be granted for making good the deficiency of the fee fund in the departments of the Treasury, the offices of the Secretaries of State, and of the Privy Council.

Mr. *Hume* said, he wished to make one observation on the expenditure of the colonial department, which amounted this year to 39,000*l.* Among the items, he saw a charge of 1,000*l.* to Mr. James Stephen, as counsel to that office. He likewise saw another item of 500*l.* to the same individual as counsel to the Board of Trade. Now, he believed Mr. Stephen to be a most deserving man; but he must say that his appointment as counsel to the colonial department was a most objectionable appointment, considering the situation in which he stood with respect to the dispute between this government and the West Indian interest. It was said in the West Indies, that he had drawn up the celebrated colonial letter of Mr. Huskisson. Now, let that be as it might, ministers ought to have paid attention to the feelings of the West Indians on that subject.

The *Chancellor of the Exchequer* said, he had, in his intercourse with the colonial office, known Mr. Stephen, and he believed him to be a man of honour and of perfect impartiality.

Mr. *R. Gordon* gave full credit to the merits of Mr. Stephen; still, such was the prejudice against him, and such was the extraordinary coincidence between his writings relative to colonial affairs, and the public acts of the government at home, alluding more particularly to the late despatch of the colonial minister where whole passages were literally the same, that he verily believed no one circumstance would tend more to conciliate the colonies, than—not the removal, for he meant no reflection upon the individual—but the promotion of that gentleman to some other office. It would, he could not help thinking, be alike grateful to the learned gentleman himself, as it would undoubtedly be to the colonies.

Mr. *Bright* had no desire to speak disparagingly of Mr. Stephen, although he felt the weight of prejudice which called for his removal, and knew that it would be the greatest step which the government could take towards the conciliation of the colonies. It had led to more unpleasant and vexatious proceedings than had ever taken place upon any other appointment.

On the resolution, that 106,958*l.* be granted to defray the expense attending the confining, maintaining, and employing, convicts at home and at Bermuda, for the year 1828,

Mr. *Hume* doubted whether the confinement of convicts on board the hulks, as the system was now carried on, was of any service. Persons who had been thus treated were often brought two or three times before courts of justice, after they had undergone their punishment. It would be much better to send the convicts out of the country at once.

Mr. Secretary *Peel* said, that the hon. gentleman was probably not aware of the fact, that there was a limit to the number of convicts who could be received in the colony of New South Wales; and it was, besides, very doubtful, whether those who were sent to that colony proved such good members of society as those who were forced to labour on board the hulks. It was a matter worthy of attention, that transportation had not been introduced, as a punishment, into any other country of Europe. In almost all other countries, convicts were subjected to hard labour on public works. That the result of the employment of a certain portion of the convicts in labour on board the Hulks was not expensive, a slight examination of the accounts would prove. By the return in his hand, it appeared, that there were last year on board the Hulks, four thousand and thirty healthy convicts, and two hundred and thirty-three sick, making in all four thousand two hundred and sixty-three. The deaths in the year amounted to one hundred and sixty-six, and the total expense of their support was estimated at 75,810*l.* The value of their labour during the year was estimated at 73,000*l.* So that if there had been no convicts to do the work, the government must have paid that sum for labour done on public works, and the total expense incurred by keeping the convicts in this country was, therefore, something under 3,000*l.* The calculation as to the value of their labour might be a high one; but still the value of it was known to be great. The giving of three-halfpence a day to every convict, proved a great inducement to labour, and generated habits of industry and care, which were much more likely to render them useful members of society, than any residence in New South Wales. The expense of supporting each convict was about 17*l.* 15*s.*; but the actual loss in not sending them out of the country was not more than 12*s.* for each convict throughout the year. If means could be found at all in the colonies of employing convicts in public works, in the same manner as in Bermuda, the arrangements might be different; but at the present moment no better means could be devised than employment on board the Hulks at home.

Mr. *Benett* agreed, that it was better to employ the convicts in labour if possible, but he thought that labour ought to be performed in the colonies. The convicts were kept in this country at a great expense, in order to do that labour which ought to fall to the lot of the guiltless and the industrious part of the community. He recommended the government, if they were determined to promote emigration, to begin with the worthless part of the population. If any of the convicts considered transportation in any other light than a punishment, he would send them to countries less congenial with their feelings, and less favourable in climate.

Sir *G. Cockburn* bore testimony to the extent of labour done by the convicts in the Dock-yards. They proved the best workmen, and saved considerable sums to the government.

Mr. *Benett* deprecated the system of condemning convicts for seven years to the Hulks, but whose punishment was remitted after two years' condemnation. This commutation of punishment gave employment to undeserving convicts, whilst industrious persons were left without occupation.

Lord *F. L. Gower* said, that from the little experience he had had in colonial affairs, he was impressed with the conviction, that there could not be a worse with reference to New South Wales, than to carry into execution sentences of seven years' transportation. This country could not make a worse present to that colony than a young London pickpocket.

Mr. Secretary *Peel* said, that the hon. member was mistaken as to the remission of punishment at the end of two years. The rule was, that the superintendant, at the end of three years and a half, had the privilege of recommending eight out of every hundred convicts to the Secretary of

State, for a remission of the remainder of their punishment. This was an inducement held out to the convicts for good behaviour; and he did not think it an unreasonable indulgence to those who had distinguished themselves by habits of industry and attention. With reference to the hon. gentleman's proposal, to transport the convicts to different colonies, surely he did not consider the enormous expense of such a system. In every colony to which convicts were sent, it would be necessary to have an establishment to receive them, with officers to superintend. It might be a question how far it would be advisable to have another penal colony; but, with regard to New South Wales, it should be remembered, that before the convicts were sent out there in sufficient number for the purposes of the colony, the expense attendant on sending provisions, &c. was enormous.

Mr. Alderman *Waithman* considered the present system preferable to any that he had heard suggested.

Mr. *Stuart Wortley* thought it high time, that the colony should be exempted from a practice which impeded its improvement.

The resolution was agreed to; as were also the remaining resolutions, after a desultory conversation.

HOUSE OF COMMONS.

Monday, June 2.

East Retford Disfranchisement Bill—Mr. Huskisson's Statement—Ministerial Explanations.] Mr. *Tennyson* said:—In rising to move the order of the day for the committee upon the East Retford Disfranchisement Bill, I cannot refrain from expressing my deep regret, that a measure, which rests upon grounds altogether distinct from party considerations,—the failure or the success of which could not affect the stability of any administration,—a measure, too, which I had fondly imagined would be productive of unmixed advantage to the country, should have incidentally occasioned a change in his majesty's government, which, I am persuaded, a vast majority of all thinking men in this country will agree with me in considering, both in itself, and its probable consequences, a great public misfortune.

Sir, I call it a great public misfortune, that the sovereign should be thus unexpectedly deprived of the services of those councillors, on whom this House and the nation had mainly depended for wholesome measures and good government at home, and for a wise and enlightened policy in our foreign relations, at a period of peculiar interest in the affairs of Europe, and of the whole civilized world.

To whom this calamity is imputable, we have yet to learn. I will not believe that the right hon. gentleman who lately held the seals of the Colonial Department, after having once consented, unadvisedly, in my judgment, but deliberately, on his part—to accept office in concert with the duke of Wellington, would seize upon the first pretext for betraying the administration into difficulties, by wilfully abandoning the position he had thus accepted.

On the other hand, I am equally unwilling to suppose that the duke of Wellington, after having courted and won the alliance of the right hon. gentleman, and of the two noble lords who have now retired with him from the cabinet, in order to strengthen the government he was about to form, and to acquire for it, a portion of that confidence and popularity which Mr. Canning's administration had obtained,—I say, I cannot imagine that the noble duke would afterwards avail himself of the earliest pretext for throwing off the right hon. gentleman, as soon as the object for which he sought that alliance seemed to him to be accomplished.

Yet, Sir, there are only two recognized modes by which a minister of the Crown can quit its service. One, by his own absolute resignation, the other, by a dismissal on the part of the sovereign. I know of no intermediate course; I cannot conceive any third mode, at least there is none which, in civil tactics, could be deemed justifiable. At a period, then, of public difficulty, either the right hon. gentleman has improperly abandoned his post, or, at such a period, and for some cause to be explained, the noble duke at the head of the government has advised his dismissal from the councils of the Crown. But seeing the right hon. gentleman in his place, I trust he will now indulge us with the fullest information on this important matter. If that information be afforded, I am persuaded it will appear that this bill, which I have the honour to conduct, was not, and could not be, the fundamental cause of what has unfortunately occurred. But, be that as it may, I shall think it my duty to persist in it, on those grounds of public expediency and constitutional policy, which originally induced me to embark in what has proved an arduous undertaking; affected, as it now seems to be, by circumstances and considerations, which do not naturally belong to it. The merits of the measure itself, I have already expounded so much at length on former occasions, that I shall not now add another word, but shall sit down, trusting that in this stage of our proceeding, some account will be given of the recent extraordinary event, which has been attributed exclusively to this bill; but which I am convinced, has had its origin in other and very different causes. I now move that the order of the day be read.

Mr. *Huskisson* rose and said:—

Sir; the circumstances under which I offer myself to your notice will, I trust, bespeak for me—that, of which I shall stand so much in need—the patient indulgence of this House, without my making any elaborate appeal to their good feelings.

Notwithstanding the example of modern times, more especially the precedents of the last session,—notwithstanding the appeal just made to me by the hon. member who has moved the order of the day,—I, for one, am not prepared to subscribe to the doctrine, that a minister of the Crown, on quitting his majesty's service, is necessarily called upon to give an account either to parliament or to the country, of the grounds on which he has ceased to hold office. For all that he may have done, for any thing which he may have omitted to do, in his official capacity, he is responsible: and I trust that I am not less prepared than any of my predecessors to answer any questions, or to render a full and explicit account, in these respects.

But while I do not acknowledge the abstract obligation of explaining why I am no longer in office, I am willing to admit to the hon. member for Blechingly that there are peculiar circumstances in the present instance which, in justice to the country, and in justice to myself as a public character, render such explanation necessary and expedient.

When my right hon. friend (Mr. Peel) last year retired from the post which he occupied, he found it necessary to explain the motives which had led him, voluntarily though reluctantly, to resign a situation in which he had done such worthy service to the country. I have to state, not the motives which influenced me in relinquishing office, but the circumstances which have caused my removal from it. Of motives I can explain nothing. They belong to others, and all which I will venture to say respecting them is, that I have no doubt they were suggested by what appeared a sense of public duty. But were I to be silent on the events in question,—were I to allow it to remain uncontradicted that I had lightly, inconsiderately, and upon what I must say I cannot but regard as, in itself, a comparatively trivial occasion, sent in my resignation, I should justly, I think, in public opinion, be held responsible for an improper sense of the high trust confided to me, and for a disregard of the duty which I owe to my sovereign; for interrupting at a most important period of the session the course of public business, both in and out of parliament; for having thrown the government and the country into a state of temporary embarrassment, suspending not only the ordinary march of affairs, but, at a most difficult and critical conjuncture, involving in the same suspense our relations with our allies, and the duties which we had to perform, as well towards them, as for the maintenance of harmony and good understanding amongst the powers of Europe. Under such circumstances, to have resigned, as it is said I have resigned, or to be removed, as I contend, I have been removed, without some sufficient and adequate cause, is that mystery which it is proper I should endeavour to explain; because when such great interests are involved, when possibly such fearful consequences may be the result of these inevitable delays, it becomes me to show that the evil, if any has arisen, cannot justly be laid at my door.

The House will recollect that we have had before us, in this session, two bills for disfranchising boroughs accused of corruption. That, at an early period of the session, these bills were both upon our table, at the same time. One of these bills affected the elective franchise of Penryn, and it was proposed to transfer that franchise to Manchester. The other, as proposed by the hon. member for Blechingly, had for its object the transference of the elective franchise from East Retford to Birmingham. On the 21st of March a long and able discussion took place upon the latter proposal. In the course of that debate my right hon. friend stated in substance, that, as there were two bills before the House, he should propose, in the case of one (that of Penryn), to make the transfer to Manchester;—in the other, to open the borough to the hundred. My right hon. friend argued on the expediency of pursuing this course, much at length and with his usual ability. He was followed by several gentlemen on the opposite side of the House, who took a different view from him, and urged that in both cases the elective franchise should be transferred from the corrupt boroughs to great commercial towns. I came down to the House on that evening without any intention of taking part in the discussion. No other person, however, but my right hon. friend having addressed the House from the bench on which he now sits, I rose very late in the debate, and, it would appear that, in the course of the observations which fell from me, I made use of the following expressions: "Did the present case (East Retford) stand alone, I certainly should recommend and support the measure of transferring the franchise to some great commercial town." I do assure the House and my right hon. friend, that, in making this declaration, I did not, at the time, consider myself as outstepping the fair spirit of the line of argument, which he himself had adopted. I wish to state this fairly, because, in the situation in which I stand it is my duty to show that I did not do what would in me have been highly improper, namely, that I did not go further than what I distinctly understood to be the view of my right hon. friend; and I have reason to know that there were many other members of this House who entertained the same opinion of what had fallen from my right hon. friend as myself. After the explanation which I heard from him in a subsequent debate, I am ready to admit, in equal sincerity, that this was by no means a necessary inference, and that I was committing myself beyond the point to which my right hon. friend had committed himself.

The Penryn bill, transferring the franchise to Manchester, passed this House on the 1st of April, and no further proceeding was had on the East Retford bill till the 19th of May. I understand, I do not know how correctly, the cause of this delay to have been, that my right hon. friend himself suggested to the hon. member who had charge of this bill, to make it what he called a "waiting bill," depending upon the fate of the other in the House of Lords.

On the 19th of May it was proposed to take a further proceeding in the case of East Retford, and it was then notorious—as I understood in the course of the debate—to every member of this House, that the Penryn bill was in such a state in the House of Lords, as to make it probable, nay, I may say certain, that the elective franchise would either be given to the hundred, or that the bill would be rejected altogether.

I am not at liberty, Sir, to disclose any thing which may have passed elsewhere; but this much I may say without any breach of confidence, and for the accuracy of it, if necessary, I can appeal to my noble friend the late Secretary at War, that my right hon. friend came down to the House on the 19th of May quite aware of the extent to which I was committed by my declaration, already referred to, of the 21st of March, and that all my colleagues knew that, in former cases of bills of disfranchisement, the members of the king's government had felt themselves at liberty to entertain different opinions, and to take different parts, in the progress of those bills through parliament. On this topic I can go no further.

In the debate, on the 19th of May, an amendment to the preamble of the bill was moved by the hon. member for the county of Hertford, not simply to extend, according to precedent, the franchise of East Retford to the freeholders of the hundred, but which went the length of establishing an entirely new right of election. This right depended upon the voter being rated to the amount of 20*l.* a year—it entirely took away the corporate rights of East Retford; and while it provided that the mayor should be the returning officer, it provided also that no man should be mayor who was not rated to the annual amount of 40*l.* a year. I stated at the time as I now repeat, that this proposition was a complete anomaly and novelty in the mode in which parliament had hitherto dealt with the rights of electors, and I do not believe that my hon. friend was prepared then, or that he is prepared now, to shew how his machinery would have worked, and how many inhabitants of East Retford would have possessed the right of voting under this new regulation. How the returning officer (whether mayor or baillliff) was to be elected, or how it was to be ascertained whether he was, or was not, rated at 40*l.* a year, I know not. The whole proposition presented so many anomalies, and was so entirely unprecedented, it was so extraordinary in itself, that, offered, as it was, to the House without notice or preliminary information, it seemed to me in every respect objectionable. Instead of remedying the corruption of the borough, it erected one of the hundreds of Nottinghamshire into a new little county, and giving to it rights such as exist no where else, annihilated the franchise of the corporation.

My right hon. friend (Mr. Peel) confined himself to noticing the difference between this proposition and the mere transfer of the franchise to the hundred. He argued in favour of the hundred, and vindicated his own consistency in taking that course. He shewed, I think successfully, that he had himself in the former debate taken a line which left him free to adopt the suggestion of the hon. member for Hertfordshire—barring the anomaly which it proposed to introduce. But it must be clear to every body that, however firm my right hon. friend might stand upon his own ground, it was one upon which there was no possible footing for me. The more he fortified his own defence, the more he left me without one—nay the greater the tenacity of his own successful resistance, the more it seemed to invite an attack (though certainly most unintentionally) upon my defenceless position. Late in the evening it was made accordingly—made by a noble friend of mine (lord Sandon), and made, I am quite sure, without the smallest particle of personal or political hostility towards myself. I use his own expression—"I claim the vote of the Secretary of State for the Colonial Department. I claim it on the very grounds on which his right hon. colleague has rested the defence of his own consistency." When my vote was thus claimed, when I was thus specially summoned, to redeem a positive pledge, publicly given, had I any alternative? I rose immediately after my noble friend to acknowledge the pledge.—And here my right hon. friend will allow me to remind him that, as I rose, he said to me, "be sure you mark the difference between what I said, in a former debate, and your declaration." Independently of the wish thus specifically expressed, it was a duty which I owed to my right hon. friend to endeavour to do so. But, exactly in proportion that I dwelt upon that difference, did I unavoidably point to the different conclusion to which it must necessarily lead us. For the sake of avoiding the inconvenience, and pain to me, of that apparent difference, I adverted to the anomalous novelty of the proposal brought forward by the member for the county of Hertford, and on that ground I proposed to adjourn coming to any vote till after the holidays. Sir, I avow the motive of my proposal, and my right hon. friends on the Treasury Bench know very well to what I allude, when I say that, had an adjournment been permitted, any future difference, which might have been manifested in the progress of the bill, would have been immaterial. Upon sitting down I pressed upon my right hon. friend the expediency of supporting the adjournment. He replied to me, that he must persevere in the course which he had taken that evening. It has been since suggested to me by persons, perhaps, of more discretion than myself that I might have sheltered my consistency in voting with my right hon. friend, under the excuse that the fate of the Penryn bill was not formally known to the House of Commons. Sir, I thought at the time—I still think—that to have done so would have been a paltry subterfuge. Every gentleman who had spoken in the debate—not excepting my right hon. friend himself—had assumed—what indeed was matter of incontrovertible notoriety,—that the Penryn bill would be amended either by transferring the franchise to the hundred—or that it would be rejected altogether. In the former alternative my right hon. friend had indeed a waiting case—and, in that alternative, he would have had to revert to the substitution of a town instead of the hundred of Bassetlaw. But, in either alternative, I was bound to give my vote for a town. The division took place soon after; the House adjourned, and I went home, not, however, without observing the intelligible looks of some, and hearing the audible whisperings of others.—Whether from these omens I magnified to myself the impression, which the vote might make in other quarters next morning, I will not pretend to determine.

Perhaps but for some such excitement, easily conceived by those who can make allowance for the state of fatigue both of body and mind, in which a man, not in strong health, finds himself after a continuance of fifteen or sixteen hours of incessant attention to business, I should have postponed, till after a night's rest, making any communication to the noble duke at the head of the government. A communication to the same effect I am bound, however, to state that, as a point of honour and courtesy, I should certainly have made. It might have been, I will freely admit it—more cautiously worded than one which was written hastily, and, perhaps, under a too sensitive feeling, but my meaning must have been the same. That meaning was simply this—that having voted on the opposite side of the House from my right hon. friend, (however driven to do so by the force of circumstances, and however unimportant, in my view, the occasion) I was bound to offer to pay the price of that vote, and to relieve the head of the government, in forming his own judgment, from any delicacy which he might feel towards me personally.

Under these impressions, I wrote the letter which I am desirous of reading to the House. And here I may be allowed to say, that I feel considerable difficulty how to proceed; in what way to avoid it has occupied much of my thoughts in the course of this morning. On the one hand, if I state the substance and import of the correspondence which has taken place, I am sensible that I may omit something important, and may expose myself to the suspicion that I have not given a faithful and exact representation:—on the other hand, I know how irksome, and how little acceptable to the House will be a full detail of the correspondence. But I also know that, on similar occasions, letters of the kind have been read, and I shall, with the permission of the House, follow that example. I have already stated the circumstances in which I was placed; and I will only add, that, I thought I was discharging a duty imposed upon me by a point of honour. I am free to admit, that if the letter which I am about to read had been postponed for a few hours it would have expressed more clearly and explicitly, what it was intended to convey. It was marked "private and confidential"—was dated at two o'clock in the morning of Tuesday, May 20th, and was in the following terms:—

(Private and Confidential)
"*Downing Street,*
"*Tuesday Morning,* 2 A. M. 20*th May.*

"My dear Duke.—After the vote which, in regard to my own consistency and personal character, I have found myself, from the course of this evening's debate, compelled to give on the East Retford question, I owe to you as the head of the administration, and to Mr. Peel as the leader of the House of Commons, to lose no time in affording you an opportunity of placing my office in other hands, as the only means in my power of preventing the injury to the king's service, which may ensue from the appearance of disunion in his Majesty's councils, however unfounded in reality, or however unimportant in itself the question which has given rise to that appearance.

"Regretting the necessity of troubling you with this communication, believe me, my dear duke, ever truly yours,

"W. HUSKISSON."

This letter I marked "private and confidential," both inside and upon the cover. I then sent it so marked, and sealed, in a cabinet box to Apsley-house. It will be evident, therefore, that I took all possible precaution to confine my communication to the quarter for which it was intended; and I really must say, that if a member of government cannot have intercourse with the head of the administration, either in confidential conversation, or—in what must often be the unavoidable substitute for it—an unreserved communication in writing—without minutely scrutinizing, and cautiously weighing the possible interpretation of every word he may use in such a private and confidential manner, all that has recently occurred cannot surprise any one.

I may here be permitted to say, that, in the course of a long political life, it has once before happened to me to be placed in a similar situation. In the month of May, 1822, lord Londonderry, then the leading minister in this House, moved the following resolution—a resolution, be it remembered, of which he was himself, the author—"That his Majesty be enabled to direct Exchequer bills, to an amount not exceeding one million, to be issued to Commissioners in Great Britain, to be by them advanced, under certain Regulations and Restrictions, whenever the Average Price of Wheat shall be under 60*s.* per quarter, upon such Corn, the growth of the United Kingdom, as shall be deposited in fit and proper Warehouses."

Upon that occasion, from circumstances which I need not now detail, but connected with the share which I had had in the corn question, and with the preparing of the report of the committee of the preceding year, I did oppose the resolution of the noble marquis, although he had brought it forward as a measure of government; and the sense of the House was so strongly against it, that it was abandoned. I went the next morning to the earl of Liverpool, and I did then what I have done on the recent occasion, but without a similar result. I thought myself bound in honour to take that course then; and, for the same reason, I took it now.

However little I can admit that this letter, so marked "private and confidential," and written under the circumstances before described, could fairly be considered to convey any other meaning than that which I intended, I am far from maintaining (it is not necessary for me to maintain), that it could not bear a different construction. It appears to have been received by the noble duke about ten o'clock on Tuesday morning. He states, that it surprised him, and I must suppose that he was the more surprised as my letter only referred to what had passed in the House of Commons the night before, without entering into detail or explanation of any sort. Notwithstanding this surprise—notwithstanding the absence of all explanation—notwithstanding the superscription, "private and confidential"—without seeking for explanation—without communication of any sort with me—without allowing himself time to consider even whether his own construction of this letter was not open to doubt—the noble duke hurried away to St. James's, and laid that which, in the abandonment of confidence, had been intended only as an act of delicacy towards himself, at the foot of the throne, advising his majesty, that it was an act of positive and formal resignation.

Being at my office between one and two o'clock—and here it is material to note the hours—my noble friend, the late Secretary of State for Foreign Affairs, came to me upon public business of great importance connected with his own department. We discussed it together. At the close of that discussion something which incidentally dropped from my noble friend, led me to tell him of what I called, in describing it, a little act of unavoidable insubordination, and to say, trifling as it is, political punctilio requires that I should offer to pay the price of it.—A few minutes after this conversation, the noble earl being still with me, I received the following letter from the noble duke;—

(Private.)

"*London, May 20th*, 1828.

"My dear Huskisson;—Your letter of two this morning, which I received at ten, has surprised me much, and has given me great concern. I have considered it my duty to lay it before the king. Ever your's most sincerely,

"WELLINGTON."

"*The Rt. Hon. W. Huskisson.*"

I immediately put the letter into the hands of my noble friend. He had scarcely read it, before he said, "the duke has entirely mistaken your meaning, I will go instantly and explain the mistake, and the thing will be at once set right." He did so without a moment's delay. In a few minutes he returned to me to say, "I have not met with the success which I anticipated, the duke will not allow that there is any mistake, and persists in considering your letter as a positive resignation, when it was natural to expect that he would be glad to find that he was altogether under a misconception. He does not seem to understand what passed last night." Upon hearing this, I sent to lord Palmerston, and requested of him to wait upon the duke, and explain the course of the transaction. He did so, and, returning to me about five o'clock, told me that the duke continued to adhere to the same construction. I no sooner found that this was the case, than I wrote again to the noble duke. The letter which I will now read.

(Private.)

"*Downing St. 20th May*, $\frac{1}{2}$ P.M. 1828.

"My dear Duke;—Having understood from lord Dudley and lord Palmerston, that you had laid my letter of last night before the king under a different impression from that which it was intended to convey, I feel it due both to you and to myself to say, that my object in writing that letter was, not to express any intentions of my own, but to relieve you from any delicacy which you might feel towards me, if you should think that the interests of his majesty's service would be prejudiced by my remaining in office, after giving a vote, in respect to which, from the turn which the latter part of the debate had taken, a sense of personal honour left me no alternative. Believe me, my dear duke, your's very sincerely,

"W. HUSKISSON."

To this I received the following answer, dated the same evening, but which did not reach me till the next morning:—

(Private.)

"*London, May 20th*, 1828.

"My dear Huskisson;—I have received your letter of this evening. I certainly did not understand your letter of two o'clock this morning, as offering me any option; nor do I understand the one of this evening as leaving me any, excepting that of submitting myself and his majesty's government to the necessity of soliciting you to remain in your office, or of incurring the loss of your valuable assistance to his majesty's service.

"However sensible I may be of this loss, I am convinced that, in these times, any loss is better than that of character, which is the foundation of public confidence.

"In this view of the case I have put out of it altogether every consideration of the discredit resulting from the scene of last night; of the extent of which you could not but have been sensible when you thought proper, as a remedy for it to send me the offer of 'placing your office in other hands.' Ever, my dear Huskisson, your's most sincerely,

"WELLINGTON."

"*The Rt. Hon. W. Huskisson.*"

On receiving this letter I will in candour avow that, taking it as an answer to the letter I had sent, and seeing that at this time there could be no possibility of what I had originally intended being misunderstood,—I did think, and I must still say, that this was a harsh proceeding on the part of the noble duke. His first understanding is, that my letter left him no option; his next version is, that I had attempted to do an act utterly unworthy of any man who ever had the honour of a seat in his majesty's councils; that I had attempted to place him and my other colleagues in a situation in which I was driving them to solicit me to remain in office, at the loss of their public character. I perfectly understand that, if I had said to my colleagues in the cabinet, or to the noble duke, "I have sustained a grievance, and, unless you redress it, I will resign," there would have been some little appearance of reason in the accusation. I can understand, too, that if, entertaining opinions differing from the majority of my colleagues on any important subject, I had said to them, "Unless you come over to my opinions I will resign;" the reasoning of the noble duke might have been just. What I had said was, "I have done that at which you may justly take offence, and I am ready to pay the price of my conduct." If I had been told in reply, "what you have done was wrong, but by no means sufficient to require such a penalty as that to which you allude," I should have made no further observation upon the subject. But I must say, that it was painful to me to receive from an individual, for whose personal character I have the most unfeigned respect, and with whom I had acted confidentially in the king's service, more than an insinuation that I was playing a part, for which, indeed, I should have deserved to have been censured in the strongest manner, and even expelled indignantly from the councils of my colleagues. Though I felt myself injured by the noble duke's reply, which I have last read, yet I trust the House will see in my answer that I suppressed any indication of such a feeling.

(Private.)

"*Colonial Office*, 21*st May*, 1828.

"My dear Duke;—In justice to myself I cannot acquiesce for a moment in the construction which your letter of last night puts upon my conduct.

"You cannot refuse to me the right of knowing the motives of my own actions, and I solemnly declare that, in both my letters, I was actuated by one and the same feeling. It was simply this.—That it was not for me, but for you, as the head of the government, to decide how far my vote made it expedient to remove me from his majesty's service. I felt that I had no alternative, consistently with personal honour (in a difficulty not of my own seeking or creating) but to give that vote;—that the question in itself was one of very minor importance;—that the disunion was more in appearance than in reality; but I also felt that, possibly, you might take a different view of it, and that, in case you should, I ought (as I had once done on a similar occasion with lord Liverpool) to relieve you from any difficulty, arising out of personal consideration towards me, in deciding upon a step to which you might find it your public duty to resort on the occasion.

"It was under this impression alone that I wrote to you immediately upon my return from the House of Commons.

"If you had not misconceived that impression, as well as the purport of my second letter, I am persuaded that you could not suppose me guilty of the arrogance of expecting "that you and his majesty's government should submit yourselves to the necessity of soliciting me to remain in my office," or do me the injustice of believing that I could be capable of placing you in the alternative of choosing between the continuance of my services, (such as they are) and the loss to your administration of one particle of character, which, I agree with you, is the foundation of public confidence.

"If, understanding my communication as I intended it to be understood, you had, in any way, intimated to me, either that the occurrence, however unfortunate, was not one of sufficient moment to render it necessary for you, on public grounds, to act in the manner in which I had assumed that you possibly might think it necessary —or that you were under that necessity— in either case there would have been an end of the matter. In the first supposition, I should have felt that I had done what, in honour and fairness towards you, I was bound to do; but it never could have entered my imagination that I had claimed, or received, any sacrifice whatever from you, or any member of his majesty's government.

"On the other hand, nothing can be further from my intention than to express an opinion, that the occasion was not one in which you might fairly consider it your duty to advise his majesty to withdraw from me the seals of office, on the ground of this vote. I do not, therefore, complain; but I cannot allow that my removal shall be placed on any other ground;—I cannot allow that it was my own act;—still less can I admit that, when I had no other intention than to relieve the question, on which you had to decide, from any personal embarrassment, this step on my part should be ascribed to feelings, the very reverse of those by which alone I was actuated, either towards you or his majesty's government. Believe me, to be, my dear duke, your's very sincerely,

"W. Huskisson."

From this letter the House will see what were the spirit and feeling in which I acted. Having read a part of this correspondence, I must, in order to render it intelligible, read the whole. The communication which I received from the noble duke in answer to this letter is in the following words:—

"*London, May* 21*st*, 1828.

"My dear Huskisson;—In consequence of your last letter I feel it to be necessary to recall to your recollection, the circumstances under which I received your letter of Tuesday morning.

"It is addressed to me at two o'clock in the morning, immediately after a debate and division in the House of Commons. It informs me that you lose no time in affording me an opportunity of placing your office in other hands, as the only means in your power of preventing an injury to the king's service which you describe. It concludes by 'regretting the necessity for troubling me with this communication."

"Could I consider this in any other light than as a formal tender of the resignation of your office, or that I had any alternative but either to solicit you to remain in office contrary to your sense of duty, or to submit your letter to the king?

"If you had called on me the next morning after your vote, and had explained to me in conversation what had passed in the House of Commons, the character of the communication would have been quite different; and I might have felt myself at liberty to discuss the whole subject with you; and freely to give an opinion upon any point connected with it. But I must still think that if I had not considered a letter couched in the terms in which that letter is couched, and received under the circumstances under which I received it, as a tender of resignation, and had not laid it before the king, I should have exposed the king's government and myself to very painful misconstructions. My answer to your letter will have informed you that it surprised me much, and that it gave me great concern. I must consider therefore the resignation of your office as your own act, and not as mine, Ever your's, most sincerely.

"Wellington."

I will not stop to examine whether the description of my letter is a very accurate one, or to remark that, if explanation was wanted, the noble duke might easily have sent for me; though, I own, I cannot see the great difference which would have resulted from the substitution of a conversation for a confidential letter.

The noble duke talks of the "very painful misconstruction" to which he must have been exposed, if he had not laid my letter before the king. How this "misconstruction" was to arise I know not. It could not arise from me, I am sure; and, as far as I was concerned, the knowledge of the transaction was confined to ourselves. In conclusion, to mark more emphatically his sense of my conduct, he tells me that I must consider my resignation as "your own act and not as mine." But when the noble duke says, that my remaining in office was "contrary to my own sense of duty," I really am at a loss to know what part of my communication justifies this assertion. If I had ever felt so, I should not have waited for the noble duke to call for my resignation. The House will perceive, from what I have just read, that, after all the explanations—verbal and written, which had been given—after all the statements that had been made by my noble friends, the Foreign Secretary and the Secretary at War—the noble duke pertinaciously adheres to his own misconstruction of my first letter—He will not suffer me to escape from it, and insists that my resignation is my own act.

After this communication, received on Thursday morning, of course I considered the matter as at an end. My right hon. friend the Secretary of State for the Home Department knows that such was my view. I had only one solicitude left.—As soon as I was informed by lord Dudley and lord Palmerston, on Tuesday evening, of the misconstruction which the duke had put upon my letter "private and confidential," I necessarily assumed that the king had been advised to regard it in the same light. I was, therefore, very anxious, as one of his majesty's servants, to set myself right with my royal master. I immediately wrote to his majesty to solicit the honour of an audience. To my humble request I had received no answer. I took steps to let it be known to the noble duke, that nothing was further from my wish than to appeal to his majesty against the advice, whatever it might be, of his prime minister;—that I only wished to state to his majesty what my real meaning had been, and to relieve myself from the painful light in which I must appear to his majesty, in having laid before him, as a formal and positive resignation, a paper in which, had it been intended for such a purpose, I had been so forgetful of all that I owed to his majesty, for his unvarying and uniform confidence, and, I may add, personal kindness, as to have forsaken his service without one expression of regret, or one assurance of dutiful attachment and respect.

Late on the evening of Friday, I was told, on the part of the duke, that he did not consider the matter as at an end—that as a man of sense and of the world, I must know very well what I ought to do; but that he could suggest nothing, lest it should appear either like dictation or collusion. I said to my noble friend, from whom I received this communication—"this is very oracular, the little sense I may possess I have exhausted in explanation, carried to redundancy, of what I really meant. I have no objection to say any thing that is consistent with truth, but I know the king is impressed with a conviction that I have sent in my resignation, and that I persist in it; and if his majesty has been advised not to allow me an audience in which I might assure him that such was not my intention, there is no further step which I can take with honour to myself, till I have had an opportunity of removing that impression."

I added, that I did not see the fairness, (whilst I was held to a misconstruction disavowed the instant it was known to me), of expecting me to consent to embark in a game of political blind-man's buff, in which (greatly, perhaps, to the amusement of the lookers-on), I might meet with an awkward, if not irretrievable, tumble, without ever catching the object which I was called upon to pursue. This communication, therefore, remained without any result.

On Sunday morning, my noble friend, having again seen the duke of Wellington, came to me between eleven and twelve, and gave me to understand that it was not intended that I should have the audience which, five days before, I had solicited of his majesty. My noble friend, I have since learnt, was further charged to communicate to me, that unless I set myself right with the duke before half-past two that day, he could allow me no further time. My noble friend did not deliver this message. He did not draw a line around me and say in the words of Popilius—"Priusquam hoc circulo excedas, redde responsum Imperatori, quod referam."—It is probable that he did not think such a message, under all the circumstances, consistent with good taste; and I thank my noble friend for the delicacy which induced him to spare me this part of his communication. I am obliged to mention this incident, because the omission led to an explanation which I was afterwards obliged to make in an additional letter to the noble duke.

Immediately upon my noble friend's leaving me, I wrote to the noble duke the letter which I am about to read, and which I had intended should close the correspondence on my part.

"*Downing Street, 25th May*, 1828.

"My dear Duke;—On Tuesday last I wrote to the king to solicit an audience. His majesty has not yet been pleased to grant me this honour.

"In the expectation (not unnatural for me to entertain in the situation which I hold) of being afforded an opportunity of waiting upon his majesty, I have deferred acknowledging your letter of the 21st, which, passing by altogether all that is stated in mine of the same date, you conclude in the following words—'I must, therefore, consider the resignation of your office as your own act and not as mine.'

"I will not revert to the full explanation which I have already given you on this subject. Not denying that my first letter might be capable of the construction which you put upon it, I would ask you, whether it be usual, after a construction has been, from the first moment, explicitly disavowed, to persist that it is the right one? It being, however, the construction to which you adhere, I must assume, as you laid the letter before his majesty, that you advised his majesty upon it, and that his majesty is, therefore, under the same misapprehension as yourself of what I meant; the more especially as I have no means of knowing whether my subsequent letters have been laid before his majesty.

"It was for the purpose of setting right any erroneous impression on the royal mind that I sought to be admitted, as soon as possible, into his majesty's presence.

"I was then, as I am still, most anxious to assure his majesty that nothing could have been further from my intention, than that the letter in question should have been at all submitted to his majesty:—to make known to his majesty the circumstances and feelings under which it had been written:—to point out to him that I had taken the precaution (usual between ministers in matters of a delicate and confidential nature, when it is wished to keep the subject, as much as possible, confined to the respective parties), of marking the letter "private and confidential;" that I understood that this letter, so marked specially to guard its object, had been without previous communication of any sort with me, in respect to the transaction referred to, but not explained, in the letter itself, laid before his majesty, as conveying to the foot of the throne my positive resignation.

"I should further have had to state to his majesty the great pain and concern which I felt at finding that a paper should have been submitted to his majesty, and described to him as conveying my resignation of the seals, in a form so unusual, and with a restriction so unbecoming towards my sovereign as is implied in the words "private and confidential;"—that in a necessity so painful (had I felt such a necessity) as that of asking his majesty's permission to withdraw from his service, my first anxiety would have been to lay my reasons, in a respectful, but direct, communication from myself at his majesty's feet; but that, most certainly, in whatever mode conveyed, the uppermost feeling of my heart would have been to have accompanied it with those expressions of dutiful attachment and respectful gratitude, which I owe to his majesty for the many and uniform proofs of confidence and kindness, with which he has been graciously pleased to honour me since I have held the seals of the Colonial Department.

"If I had been afforded an opportunity of thus relieving myself from the painful position in which I stand towards his majesty, I should then have entreated of his majesty's goodness and sense of justice to permit a letter, so improper for me to have written (if it could have been in my contemplation that it would have been laid before his majesty as an act of resignation), to be withdrawn. Neither should I have concealed from his majesty my regret, considering the trouble which has unfortunately occurred both to his majesty and his government, that I had not taken a different mode of doing what, for the reasons fully stated in my letter of the 21st, I found myself bound in honour to do, so as to have prevented, perhaps, the misconception arising out of my letter, written immediately after the debate.

"I have now stated to you frankly, and without reserve, the substance of all that I was anxious to submit to the king. I have done so in the full confidence that you will do me the favour to lay this statement before his majesty, and that I may be allowed to implore of his majesty that he will do me the justice to believe that, of all who have a right to prefer a claim to be admitted to his royal presence, I am the last who, in a matter relating to myself, would press that claim in a manner unpleasant to his majesty's wishes or inclinations. I bow to them with respectful deference, still retaining, however, a confidence, founded on the rectitude of my intentions, that, in being removed from his majesty's service, I may be allowed the consolation of knowing that I have not been debarred from the privilege of my office in consequence of my having incurred his majesty's personal displeasure. Believe me, my dear Duke, your's very sincerely,

"W. Huskisson."

"*His Grace the*
Duke of Wellington, K. G."

This letter was sent to Apsley-house about five o'clock;—between seven and eight I received one from the noble duke, couched, I acknowledge, with great satisfaction, in terms of kindness and regret. It was as follows:—

"*London, May* 25, 1828.

"My dear Huskisson;—It is with great concern that I inform you that I have at last attended his majesty, and have received his instructions respecting an arrangement to fill your office.

"I sincerely regret the loss of your valuable assistance in the arduous task in which I am engaged. Believe me ever your's most sincerely,

"Wellington."

"*The Rt. Hon. W. Huskisson.*"

If any one struck by these words "at last," asks why it was absolutely necessary so precipitately, and without any attempt at previous communication, to carry my private and confidential letter to the king on Tuesday morning, and to advise his majesty that it was a positive and absolute resignation, if there were no inconvenience to arise in delaying to advise his majesty to act upon it for so many days afterwards, I can only state my inability to answer the question.

This letter having been delivered to me about half past seven (as I have before stated), I was surprised, about an hour later, to receive from my noble friend, the earl of Dudley, the letter, which had been left at Apsley House about five o'clock, unopened. It is on this account that I was obliged to mention the communication which my noble friend had not made to me in the morning. My letter reached Apsley House about five o'clock; but the impression on the mind of the noble duke was, as I assume, that the whole of his message had been delivered to me and therefore, as the time was past, he considered my letter as having come too late. The clock had struck! I immediately wrote again to the duke of Wellington, returning my letter, and begging him to do me the honour to open it.

"*Downing St.* 9 ½ *P. M.*
25th May, 1828.

"My dear Duke;—Lord Dudley has just sent to me, unopened, my letter to you, which I forwarded to Apsley House about five o'clock this afternoon.

"This letter was written as soon as I was given to understand by lord Dudley, who called here after an interview with you this morning, that his majesty had not signified any intention of granting me the honour of an audience. No other mode, therefore, remaining open to me of conveying my sentiments to the king, I addressed myself to you, for the purpose of bringing before his majesty, in the shape of a written communication, what I am prevented from stating to his majesty in person.

"I feel confident that you will not deny me this favour, and you will be satisfied by the contents of my letter (which I now return), that in writing it nothing was further from my intention than to attempt to intrude myself between you and the arrangements, which, upon my removal from office (for such I have considered the result of our correspondence since your letter of the twenty-first) you have received his majesty's instructions to make.

"Your letter, communicating this fact, reached me about half past seven this evening. I thank you for the information, and for the kind manner in which you advert to any feeble assistance, which I may have been able to give to your administration, as well as for the expression of the concern with which you have advised his majesty to place my office in other hands. Believe me to be, my dear duke, ever your's, very sincerely,

"W. Huskisson."

The barrier which had been interposed between me and the throne being now removed, on Monday morning I received his majesty's gracious commands to attend his majesty. I did so. Of what passed in the royal closet I am, of course, not at liberty to utter one word; but I cannot be restrained from saying, that I met with a reception from his majesty so gracious, and so far exceeding anything which could have been deserved for services infinitely superior to any which it may have been in my power to render, as well as with so much personal kindness, that I shall for ever retain a warm and grateful recollection of these proofs of his majesty's favour and condescension.

The same evening, I received the following letter from the duke of Wellington, which closed the correspondence.

"*London, 26th May*, 1828.

"My dear Huskisson;—I have received your letter of yesterday, accompanied by another letter from you dated also yesterday, which I had returned to lord Dudley, under the impression that I ought not to open it without your previous consent, under the circumstances that existed at the time that I received it.

"I have laid both before the king. In answer I have only to repeat, that I considered your letter of the 20th as a formal tender of the resignation of your office; and that the circumstance of its being marked "private and confidential," did not alter the character of the letter, or relieve me from the painful duty of communicating its contents to his majesty, as I did in person.

"Your subsequent letters did not, according to my understanding of them, convey any disavowal of your intention to tender your resignation. I laid them before his majesty and my answers to them, and communicated to lord Dudley that I had done so.

"The king informed me, I think on Wednesday the twenty-first, that you had desired to have an audience of his majesty; and that he intended to receive you on the day but one after. I did not consider it my duty to advise his majesty to receive you at an earlier period.

"It is scarcely necessary for me to observe, that your letter to me of the twentieth was entirely your own act, and wholly unexpected by me. If the letter was written hastily and inconsiderately, surely the natural course was for you to withdraw it altogether; and thus relieve me from the position in which, without any fault of mine, it had placed me; compelling me either to accept the resignation which it tendered, or to solicit you to continue to hold your office.

"This latter step was, in my opinion, calculated to do me personally, and to the king's government, great disservice; and it appeared to me, that the only mode by which we could be extricated from the difficulty in which your letter had placed us was, that the withdrawal of your letter should be your own spontaneous act; and that it should be adopted without delay.

"The interference of his majesty, pending our correspondence, would not only have placed his majesty in a situation in which he ought not to be placed in such a question, but it would have subjected me to the imputation that that interference had taken place on my suggestion, or with my connivance.

"I did not consider it my duty to advise his majesty to interfere in any manner whatever.

"His majesty informed me this day, that he had written to you this morning, appointing an audience in the course of the day. Believe me, ever your's, most sincerely,

"Wellington."

"*Rt. Hon. W. Huskisson.*"

I will not dissemble to you, Sir, from rumours which reached me in the course of Saturday, and which I know were industriously circulated on that day, that I was enabled to form a shrewd guess at the measure of submission which was expected on my part. If I had been prepared virtually to admit, that the misconstruction put upon my first letter was what I had really meant;—that it was right to hold me to that misconstruction, and, by consequence of such admission, further to force me to acknowledge that the explanations I had given, were not only unfounded, but fairly open to the injurious suspicions by which they had been met;—in short, Sir, if I had said—not in words, perhaps, but in a manner which would infallibly have been so construed,—that I had resigned, and that my resignation was either positive and absolute, or put forth with the unworthy design of trying how far I could raise myself by disparaging the government of which I was a member, I might have been permitted to retain the seals of a Secretary of State. I am addresssing an assembly of gentlemen,—I leave to their personal feelings to appreciate mine on making such a discovery. God forbid that any man should ever be a Secretary of State who could pause on such conditions, and agree to be admitted to his Sovereign only when, and as, the prime minister might permit. He might, indeed, be the chief clerk—the head manager of a great Executive Department,—but he could no longer be a minister of State, and a confidential adviser of his Sovereign. He might, indeed continue to appear among his colleagues, but he would carry into the cabinet a consciousness of his own nullity, and self-degradation; or, if he could for a moment stifle such consciousness, the looks of those around him would not be tardy to remind him of it—to tell him in language, more intelligible than words, that it was time to withdraw for ever from such a place. Then, indeed, would he have relinquished, not only what is now taken from me—the power, and rank, and patronage of high office—but also that which I trust I preserve—public character—personal honour—the undiminished good-will and approbation of my friends, and the chance, as a member of this House, of still continuing to serve my country. These, Sir, are titles which, to win and wear, is, fortunately, not the exclusive privilege of any particular class in this community. They are titles, for which it is my birthright as an Englishman (not being a Catholic), to contend in fair competition with the proudest and wealthiest in the land.

Sir, I began by stating that I had not resigned, and that in respect to the motives of others in removing me from office, as I know nothing, I should say nothing. But this I may say, that when I consented to remain in office, on the formation of the duke of Wellington's administration, I did so contrary to the judgment and to the advice of many friends. I did so exclusively upon public grounds;—upon an offer in which I understood that so many of those with whom I had acted in the former administration were included, that I did not think we should be justified, when our assistance was asked for, in withholding it from the public service. I thought that in our joint acceptance—in our known similarity of opinion—in the Executive Departments which we filled—in our mutual co-operation and confidence—and in the explanations which we had received, we were more likely to uphold the principles and policy to which we were attached, than by any other course of conduct.

Sir, I know by what powerful influences those principles are opposed. My eyes were not shut—how could they be, after what had happened to my late lamented right honourable friend—to the virulence with which those who support them are assailed? Has it been found that these powerful influences were no longer to be stemmed, that they could no longer be resisted?—Has it been declared by them, that the price of their support must be, disconnexion between the noble duke's government and those whom they persecute?—Have sacrifices and victims been required—or, has it, as I incline to believe, been deemed expedient, for the interest of the king's government, to come to a closer union with one party by casting off the other?—If so, I wish the separation had been placed upon its true grounds. I should greatly have preferred to have been told that, from dislike to those measures of policy, which I believe to be for the advantage of the country—from mistrust of their tendency—and from jealousy and apprehension of the power which office gave me of bringing them forward—it was become necessary to allay certain angry feelings, as the only means of securing the steady support of some whose countenance and cordiality are deemed essential to the administration of which the noble duke is the head.

Perhaps, but for this change of feeling—but for this change of policy—words coming from high authority, scarcely more than a twelve-month old might have been recollected. It might have been said of a letter written under all the circumstances which I have already described, "If he was hasty in coming to this decision—if the decision was founded in error, he ought to be informed. He has always been on the best terms of good-will and confidence with all his colleagues; he never made difficulties, or acted otherwise than with a view to accommodate differences of opinion. Then, if he has taken a hasty or intemperate view of this case, why not come forward and render him the service which he has more than once rendered to others, by representing to him that he is wrong." If the high authority from which I quote these sentiments, so honourable to his character and so considerate to human imperfection, could have been the party to whom I had addressed my letter at two o'clock in the morning, if he could have been told, within four hours after the receipt of it, that he had mistaken the meaning, and that it pointed not at those serious consequences which he apprehended, would he not have said, "I am happy to have been so soon informed of my mistake before the knowledge of it has gone further, and when it is so easy to set it right?" This I know was the answer naturally anticipated by my noble friend, who first apprized the duke of Wellington of his mistake; but the answer which he received, was "no mistake—a positive resignation."

Sir, this was the answer of the duke of Wellington, the head of his majesty's government in May 1828. The authority which I have quoted, was the duke of Wellington, in May 1827, when explaining to the other House of Parliament, why he was no longer a member of his majesty's councils.

Notwithstanding the self and mutual gratulations of the enemies to all improvement; in spite of the blundering zeal of some of that party who find in the present removal of myself and my political friends from office, the only adequate apology which the head of the government can make to them for having admitted us at all—who libel the noble duke by stating, "that they are willing to excuse him because we may have been useful just at first;" in spite of the boisterous exultation, and venerable buffooneries displayed at that meeting, which once a year congregates to attempt a fraud upon the ignorance of the living, and to pronounce a libel upon the memory of the illustrious dead—I say, Sir, in spite of these boisterous exultations, so suddenly substituted for the loud and bitter wailings recently vented from the same quarter, over the progress of religious liberty in this country, and the manifestation of a desire, at least in this House, to extend to Ireland the same blessing—I say, Sir, in spite of all these signs of the times—these untoward omens,—I cannot believe that the triumph of that party is so complete, if so secure, as they anticipate.

Knowing the sentiments of my right hon. friend at the head of the administration in this House,—knowing that, with the single exception of the Catholic question, his opinions and his principles upon all questions of public policy have hitherto been in strict unison with my own,—knowing the feelings and views which prevail, at least in this House of parliament, I cannot believe, whatever doctrines I hear laid down by the pretended admirers of discipline and vigour, that my right hon. friend is prepared to subscribe to the principles of those who advocate these doctrines. I cannot believe that he is prepared to admit that the real and substantive power of the state should be wielded according to the dictation of an unknown junta abjuring for valid reasons—reasons which no man who knows them will call in question—all ostensible and responsible stations in the councils of the country, but claiming a veto upon the measures of those who are responsible, and a right to proscribe those whom they do not like;—I cannot believe that my right hon. friend is prepared to uphold the power of such a party against the power of public opinion; —I cannot believe that he thinks with them, that the great business of legislation is to arrest the progress of improvement, and to counteract the growth of intelligence;—I cannot believe that he looks with the same jealous eye as they do at the spread of that intelligence;—I cannot believe that he is afraid, as they are, of its example in other countries, and that with them he dreads the interchange of mind between the different parts of the civilized world, almost as much as they dread a more liberal and free interchange of the advantages of commerce.—I cannot believe that, with them, he would gladly pay the price of lowering this country to be the fifth or sixth in station among the powers of Europe, if by so doing they could enforce generally over the world the principles of the Holy Alliance, and subject the political institutions, and the civil rights, the moral influence of free discussion and a free press, the expansive mind of man, to the perpetual tutelage of a junta of continental statesmen, of the same school as themselves, but having at their beck the great armies of Europe. I cannot believe that he has such a dread of all improvement as to think that it would be cheaply repelled from this country, by the adoption of such a system as this. Neither can I think that he believes it would be safe to make the attempt.

For my own part, Sir, I shall continue, out of office what I have been in office, —a friend to the institutions of my country,—a sincere believer that they are the best adapted to promote the happiness, and to preserve the freedom of my fellow-subjects; but convinced, at the same time, that, in furtherance of the very principles upon which they were framed by the wisdom of former ages, they are capable of improvement, and may require from time to time, additions and alterations. That moderate and cautious reparations are the true way to preserve the edifice in its present symmetry and strength; and that to neglect those reparations is to risk its destruction. Upon this principle I shall continue to act, and to watch the measures of government, through good report and through evil report, so long as I have a seat in this House and a voice in the legislature of the country.

It only remains for me, Sir, to thank the House for the indulgence which they have extended to me, upon an occasion of all others the most painful and irksome, in as much as their time has, in a great degree, been taken up with an explanation relating to myself. I trust I have made it appear that it is not by my own act that I find myself disconnected with the service of my sovereign. I will not dissemble that the high office from which I have been removed was to me an object of just and honourable ambition;—that I forego with regret the opportunities which it might have afforded me of endeavouring to improve the condition of those distant parts of the empire, placed more immediately under its superintendance;—of strengthening their bonds of union with the mother country,—and of rendering them more valuable to it. I will not dissemble that I equally regret the loss of those opportunities, which power might have afforded me, of following up and perfecting those measures of general commercial policy, to which my attention has been turned for several years.—In the eclipse of those prospects, and the loss of that power,—I carry with me into retirement the high consolation of reflecting on the cordial confidence with which, whilst in his service, I was honoured by my sovereign, and the gratifying recollection of the kind assurances of his approbation of my past labours, when I placed at his feet the seals of office. In the mode and circumstances of that removal it would be hypocrisy in me not to say that I derive consolation, from the conviction that, without a more cordial support and a more entire credit for good intentions than it appears I was likely to receive, it would have been worse than useless for me to have continued the unequal struggle in which I was engaged, between the increasing difficulties of a laborious public life, and diminishing health and strength to bear up against them.

Mr. Secretary *Peel* said:—There is nothing, Sir, that has fallen from my right hon. friend that shall prevent me from prefacing the observations which I have to offer to the House with the expression of my deep and sincere regret at the circumstances which have rendered these explanations necessary. When, in the early part of this year, Sir, I was recalled, without any act or suggestion of my own, into the public service, I own I did all that I could to promote the union of those who had co-operated in the administration at a former period; and my right hon. friend himself can best judge whether, during the period which has elapsed since that re-union was effected, to the very day that his separation from the government took place, I have not acted with a desire to strengthen and confirm that union. I had heartily hoped that the time had at length come, when, being again joined together in the public service, the recollection of the differences of last year might be obliterated among us—I had hoped, that the time had come when public men would not be called on for personal explanations of their conduct, but when we might be cordially acting together in the public service, and devoting our best energies as ministers to advance the welfare of the state. Sir, I regret that the event has not been such. I deeply regret the necessity of entering into this explanation, and I make the same appeal to the House for indulgence, which my right hon. friend made, whilst I follow his example in explaining fully the circumstances into which he has entered.

Sir, the speech of my right hon. friend referred to two periods of time, and two descriptions of circumstances, quite distinct in themselves. The first period is, that which elapsed previously to the night upon which he gave his vote upon the East Retford question; and the second is, the period subsequently to that vote, in which the correspondence betwixt him and the duke of Wellington took place. In what my right hon. friend stated with reference to the first period of this transaction, allusion was made personally to me, and the part I had taken; and to that part of the question I will first address myself. My right hon. friend is aware that—restricted, perhaps, by motives of delicacy towards his late friends—he has not narrated the whole of the circumstances connected with the East Retford question; and I hold it to be impossible to come to a fair judgment upon a subject of this description, unless upon a full knowledge of all the particulars. I, Sir, should not have thought it necessary to enter upon the statement of these circumstances; but, as some portion of the statement has been made, I have no alternative but to disregard those restrictions which delicacy may have imposed upon my right hon. friend, and state all that I know respecting the two cases of Penryn and East Retford. Absolving my right hon. friend, therefore, from all secrecy or reserve upon the occasion, and in the full hope and persuasion that he will correct any errors into which I may inadvertently fall, I will in the first place call the attention of the House to the situation in which a minister of the Crown stands with respect to this House in the delivery of his sentiments. Not only is he supposed to speak his own sentiments, but, by the usage of the House, he is viewed as the organ of government, and supposed to speak the sentiments of the government. In this respect, nothing can be more painful than my situation.—Almost every night questions are discussed in this House—sometimes twenty or thirty in one night—of the utmost importance, and upon which, if there were time, his majesty's government would feel it their duty to meet and deliberate. But, Sir, during the session of parliament, it is impossible to give each subject separately, all that deliberate attention which its importance may, in fact, require. The House is very well aware that the details of many of the measures introduced and discussed here, involve principles to which it must be most desirable that his majesty's government should give the utmost attention, before they pronounce a decision. Sir, amongst others were the measures respecting the two boroughs of Penryn and East Retford. And, with regard to these, it was my most anxious wish that no step should be taken by any member of the Administration, which, being the act of an individual, should be misconceived to be the act of the government. I, therefore, Sir, took an early opportunity to submit to his majesty's government that it was fitting, considering the importance of the subject, that we should consider of the course we should take, and that I should be authorised to declare, in this House, the sentiments of government. Connected as those questions necessarily were with some proceedings of a judicial character, I allude to the taking of evidence at the bar, it would, of course, be impossible for the cabinet to pronounce a decided opinion beforehand: but, assuming that there were grounds upon which to act, and that we should be called upon to deal with those boroughs, I was anxious to be prepared, and to assimilate my conduct with the predominant feeling of the government. I, therefore, did, when both franchises were open to be dealt with, present the question as a double question to the consideration of my colleagues. It appeared to me, that, with respect to Penryn, considering the opinion expressed as to that borough by the House of Commons, when the subject was last before it, and considering that the division upon that occasion amounted to a negative upon the proposition for transferring the elective franchise to the hundreds of the county, the most proper course to be pursued was, to transfer it to Manchester. And, with respect to East Retford, I thought that, as in the case of Grampound, the franchise might be given to the adjacent hundred. I cannot say that my proposal met with a very ready acquiescence from my colleagues; but I did after that time, consider myself at liberty, as the organ of the government, to give my assent to such an arrangement, while I reserved to myself the right, as an individual, to pronounce my judgment upon the evidence which might be brought before me to substantiate the charge of corruption against East Retford. Reserving to myself this right of judging upon the evidence, according to my conscientious conviction of its value, I did, therefore, feel it incumbent upon me, as the organ of the government, to take the precaution of ascertaining that course which I might be authorised to call upon its members to support, because I did not think it consistent with honour and good faith to lend the support of the government to any measure in this House, unless I could be satisfied that it would be promoted and advocated with equal zeal in the other. This is what I stated to the members of the government, and this was the ground upon which I proceeded; but, I do declare most solemnly, that I never submitted to them any proposal as to what was to be done, in case of there being only one borough to deal with. With respect to the borough of Penryn, I considered that there had been three several acts of interference upon the part of the House; and I thought it likely that the House of Commons, as a branch of the legislature, would be disposed, not merely as in a court of law, to take into consideration the simple case of bribery proved last session, but that, having before determined to make a forfeit of the franchise of Penryn, it would have a right, in coming to a determination upon the subject, to refer to its own previous acts. In submitting to the choice made by the noble lord for the franchise of Penryn, a choice confirmed by a majority of four to one; I certainly considered Penryn as at the mercy of the House, and I never contemplated the possibility of the bill being lost from defective evidence, as I understand now that it is likely to be. I repeat, therefore, without stopping to inquire whether I was right or not in thus proceeding upon the supposition, that the proposals I made to my colleagues were founded upon the principle of there being two boroughs whose franchises were to be forfeited.

In this state of things the hon. gentleman (Mr. Tennyson), not waiting until the final decision of the question upon the borough of Penryn, brought under the consideration of the House the case of East Retford. I did not, on that occasion, act hastily. The question of the second borough was coming on before the other borough had been disposed of; and I felt that nothing could be more repugnant to my feelings, upon the grounds of policy and propriety, while there was a chance of the other bill being rejected, not to be able to state the determined intentions of the government. On the very day, therefore, before that fixed for the debate upon the East Retford bill, I took measures for the assembling of my colleagues, in order to lay the question before them. That meeting took place on a Sunday, but no final determination was come to on that day. I repeated my unwillingness to be present in the House at the discussion, unless I possessed some authority to declare the intentions of the government; and on Monday, the very morning of the day on which the division took place, a second meeting of my colleagues was held to reconsider the question. Most certainly I was not authorised, as a member of the government, at that meeting, to give, as their organ in this House, my consent to the transfer of the franchise to Birmingham, even if I had been so disposed myself. My right hon. friend observed, that in the previous discussion I took a different line of argument upon the question from that which I adopted then—

Mr. *Huskisson* here observed, that he did this inadvertently.

Mr. *Peel* continued: My right hon. friend says, he made this observation inadvertently, and I thought at the time he had spoken of this matter inadvertently, and in the heat of argument. My right hon. friend said, that if he had only one borough to deal with, he would consent to give it to a great manufacturing or commercial town, and he says that an inference was to be drawn from what I said, which warranted him in thinking that my opinions coincided with his. This is most certainly the very first time I ever heard that any such inference was to be drawn from what I said upon this subject; and I really must say, that in all the discussions which have taken place upon the question, I never heard that any such inference could be drawn from any thing I said, or from any argument I had advanced. Sure I am, at all events, that no authority was given to me by the members of the government to make any admission upon the subject of the single borough. My right hon. friend will recollect, that on the Sunday, when the meeting took place, I told him he was in a different situation from the other members of the government. I said to my right hon. friend, "You have made a declaration upon the subject of the single borough, which may embarrass you: you have already declared, that if there were only one borough to dispose of, you were prepared to give the franchise to a commercial and manufacturing town." My right hon. friend may not recollect this,—very probably he does not. But this I certainly did understand from my right hon. friend, and I think he will bear me out in what I say, that he entered into the views of the government, until the question came to be further considered; and that, on the night when we voted on different sides, he had agreed to support the views of the government. Reserving the right of judgment vested in each individual member of the House and the government, I think my right hon. friend will recollect, that, until the House of Lords came to a decision upon Penryn, he agreed on that night to adhere to the resolution moved by the hon. member for Hertfordshire. My right hon. friend will correct me if I am mistaken; I think, however, my right hon. friend will admit he declared, that when the Penryn bill was disposed of, the time would come for the redemption of his pledge, but at present, he thought the better course would be to adhere to the course adopted by the government. I certainly understood my right hon. friend to acquiesce in this proposition. I am not indeed quite certain that he did not propose it. Upon what night my right hon. friend proposed to redeem the pledge he had given, I do not know; but knowing that he had given his assurance of voting with me on that night, I sat beside my right hon. friend throughout the evening with the fullest impression that he would vote with me, and I did so even after I had heard the speech of my right hon. friend, under the conviction that the further consideration of the bill would be postponed. In the course of the deliberations with my colleagues upon this subject, I observed that this was the first time the disfranchisement of a borough had been made a cabinet question. It was also observed, that upon questions of this kind various opinions might be formed, according to the different constitution of the minds of each individual when applied to a subject involving matter of judicial discussion. If the Penryn bill were thrown out, it was therefore understood that each individual was to be allowed to vote according to his peculiar impression of the merits of the case. I do not know whether we did not come to a resolution of that kind; but this I am sure of, that such was the understanding among us. I deny, however, most positively and most unequivocally, that I ever gave utterance to any opinion upon the course I meant to pursue upon the subject of the single borough. In the haste and anxiety of debate, I may have expressed myself imperfectly; but I deny that I gave any authority to form such a conclusion. I would ask, indeed, after what I have stated, whether it was at all likely that I should do so? I approached the question perfectly free and unfettered, but I felt that, under the circumstances I have stated, I was not at liberty to declare my opinion. In the course of the debate, however, on that evening, my right hon. friend was reminded by a noble lord (Sandon), of the promise he had made upon the subject of the transfer of the franchise of this single borough. And here I must observe, that my right hon. friend has not a little surprised me to-night, by declaring that he could not consent to accept as an apology for not redeeming his pledge, the paltry subterfuge of their having no precise knowledge in that House of what had taken place in the other. Now, unless I am very much mistaken, my right hon. friend argued upon that very occasion, that the House of Commons had no such knowledge of the proceedings of the House of Lords, as would warrant them in concluding that the franchise of Penryn was not to be disposed of in the way they had determined. My right hon. friend contended, at least, that they had no official or formal knowledge of the fact which would authorise them in forming a conclusion. I possess, however, a report of the debate, and I shall take the liberty of reading the passage to which I allude: "It ought not to be forgotten, in considering the present question, that a bill has been sent from this House to the other House of Parliament, and which we cannot know will not pass into a law; and leaving the arguments upon the transfer of the franchise to Birmingham totally out of the question, I think it would be highly inexpedient, without any knowledge, at least without any regular knowledge, of the fate of that bill, to send up a second bill to the House of Lords with a similar provision." After such a declaration as this, I confess, I was surprised to hear the argument of my right hon. friend—[Mr. Huskisson here said, he meant they had no conclusive proof.]—My right hon. friend says, he had no conclusive proof of the loss of the bill. If it passed, then he obtained the objects he desired. But I agree with him that there was no formal information upon which they could proceed, or upon which they could consent to rescind the resolution. I do, however, assure my right hon. friend, that if he had said he must redeem the pledge he gave on that night—if he had told me he thought it would be more consistent to redeem the pledge at once—he never would have heard one single syllable from me upon the subject. We had come down to the House with a different understanding; but if he had said to me that the time was come when he ought to redeem the pledge he had given them, then the matter might have ended without any difficulty. My right hon. friend, however, did vote against the government, and that gave rise to the transactions of which I am about to speak.

I have now stated all I know upon this subject, and the course I pursued through the deliberations. My right hon. friend says, he saw looks that he did not like since he gave the vote, from some persons, and heard of observations being made by others, which had given him great dissatisfaction. I do not know whether mine are the looks which my right hon. friend did not like, but I must say, that my right hon. friend is very much deceived if he supposes that I looked with any displeasure upon the occasion, or that I attached more than a very slight importance to the difference of opinion which had been expressed. Knowing the understanding which prevailed between us upon the course which was ultimately to be adopted, I was prepared to meet my right hon. friend with feelings very little altered. I should have thought, and I say it with perfect sincerity, that it would have been better if my right hon. friend had stated to me the grounds of the vote he intended to give, before he did give it. My right hon. friend, however, proposed that the decision upon the question should be postponed; but, after what had passed, I had no alternative but to press the question to a division. I assure the House, and my right hon. friend, that I never preferred any complaint upon the subject of my right hon. friend's vote to any member of the ministry; and nothing ever gave me more surprise than to find that the consequence of that vote was a tender of the resignation of my right hon. friend's office. I had never conveyed to any one the slightest expression of dissatisfaction; and nothing, I repeat, surprised me more than that tender of resignation. With this observation I close the first of those periods embraced in my right hon. friend's speech.

I now approach the second and subsequent part of these transactions, and I confess I do so with feelings of the most painful interest—the more painful, because my right hon. friend has made several observations upon the conduct of the noble duke at the head of the government, necessarily and unavoidably in his absence; but some of them in a spirit which I deeply regret. Regret them, I say I must, because I know the intentions of that noble duke; and if I did not know them, I can assure the House, most solemnly, I would not be here to address them from this place, and upon this occasion. I repeat, therefore, that I do think some of these observations were made in a spirit not calculated to do justice to that noble person, or to give a perfectly fair representation of those circumstances which led to the present occurrence. In order to understand this part of the question, I must take leave to refresh the memory of the House, by reading that letter upon which the whole question mainly depends.—Namely, whether the first letter to the noble duke did, or did not contain a formal resignation of his office. On the morning when my right hon. friend separated from his colleagues—on that particular day when the question of East Retford was discussed—he undoubtedly quitted them with every mark of friendship and cordiality. My right hon. friend certainly left his colleagues under an impression that they were all about to take the same course. The next morning, however, at two o'clock, he addressed a letter to the noble duke at the head of the government, endorsed "private and confidential," and couched in these words:—

"*Downing St.*, 2. A. M. *May* 20*th.*

"My dear Duke:—After the vote which, in regard to my own consistency and personal character, I have found myself, from the course of this evening's debate, compelled to give on the East Retford question, I owe to you as the head of the administration, and to Mr. Peel, as the leader of the House of Commons, to lose no time in affording you an opportunity of placing my office in other hands, as the only means in my power of preventing the injury to the king's service which may ensue from the appearance of disunion in his Majesty's councils, however unfounded in reality, or however unimportant in itself the question which has given rise to that appearance. Regretting the necessity of troubling you with this communication, believe me my dear duke ever truly yours,

(Signed) "W. HUSKISSON."

Now, Sir, I ask any man at all acquainted with political affairs, and the usages of public men, whether the expressions in this letter do not amount to a formal tender of resignation [hear, hear]. Certainly it is not an unqualified, absolute resignation, but, when a minister of the Crown addresses the head of the administration in such terms as these—"I lose no time in affording you the opportunity of placing my office in other hands; as the only means of preventing injury to the king's service"—and "I regret the necessity of troubling you with this communication"—could any one put any other interpretation than this—"I tender you my resignation?" My right hon. friend has coupled his case very dexterously with slight circumstances, for the purpose of giving a character of harshness and injustice to the course which has been pursued towards him. But I beg leave to remind my right hon. friend of the circumstances under which this event occurred. My right hon. friend, I will confidently say, had received no slight from me or from any other member of his majesty's government. I understand, however, that very great surprise was felt abroad, at the disagreement of two members of the cabinet with respect to the East Retford question. For my own part I attached very little importance to the circumstance; but undoubtedly rumours went forth, that there was great disunion amongst his majesty's ministers, and that the East Retford question was the cause of it. Just at the time when these reports were flying about, my noble friend received the letter which I have just read, telling him that he was at liberty to place the office then held by my right hon. friend in other hands. My right hon. friend says, he sent this communication in a box, and that it ought to have been considered private—just the same as a verbal communication. But why, I ask, should it be so considered? If a person wished to avoid all appearance of disunion—if he were desirous of discountenancing rumours which attributed serious difference of opinion to ministers—if, at the same time, he still found it necessary to make an explanation in a quarter where there existed perfect cordiality and kindness, (which was the case till this letter was written), was it not the fair and obvious course to wait personally on the first minister of the Crown, and to declare his views and sentiments on any particular point? Nothing was more easy than for a person thus situated to say "I have done so and so: if I have done that which renders it necessary for me to quit office, I am ready to give it up." Discussion and explanation might then have followed, and the difference might perhaps have been settled. But was it the same thing to send a letter stating, that an opportunity was given to the head of the government to place in other hands the office held by a cabinet minister? This course was taken, too, at the very time when my right hon. friend resided, and was transacting business, within two or three doors of my noble friend in Downing-street. If my right hon. friend's feelings were so alive, as no doubt they were, with respect to this question, why did he not write to the noble duke, saying that he would take an opportunity of calling on him for the purpose of explaining? I am not now speaking of transactions in common life; but such I maintain, is the course which a member of the administration ought to pursue, if he wished to relieve my noble friend from any embarrassment into which he supposed his conduct was likely to plunge him.

I here beg leave to say one word of tenders of resignation. I think that such tenders, on the part of ministers of the Crown, ought to be very sparingly dealt with. I think no government was ever constituted, as to be constantly unanimous upon all points. Where twelve or thirteen gentlemen of education meet together to discuss questions of great importance, there will undoubtedly be shades, and strongly marked shades, of difference in their opinions: unless they are pleased to bow to the opinion of some one man, each individual will be at liberty to state his own views; and of that liberty he will of course take advantage. I think it is perfectly honourable for any man to adhere to his own peculiar ideas, in matters that are of general moment. If his principles are disapproved of,—if his conduct is opposed to that of the great majority of his colleagues on a variety of questions,—then his course is clear, and he is at perfect liberty to retire. But I do think that caution should be used—that an intermediate course should be adopted—before a tender of resignation is made, when it might be avoided. I do not mean to say that circumstances may not sometimes justify a prompt tender of resignation; but I do contend that such a system ought to be sparingly resorted to. It certainly has this tendency—it relieves one individual from responsibility, while it imposes that responsibility on another. I am, however, bound in candour to say, that I do not think my right hon. friend sought any advantage of that kind from the course which he has taken. In my opinion, my right hon. friend acted hastily and unthinkingly; but as an honest man, I feel myself called upon to declare, that I believe my right hon. friend had no intention to create embarrassment, or in any way to weaken the government, by pursuing that line of conduct. It is, however, a course which is calculated materially to embarrass the parties who are at the head of the government. If, when my noble friend received that letter, he had said, "I will not accept this resignation, you must still continue in office," what would have been the consequence? Would not the feeling throughout the country have been, that my right hon. friend's services were so extraordinary, that the noble duke had refused to accept his resignation,—that he had, in fact, solicited him to remain, as the only means of carrying on the government? Such would have been the inevitable construction put upon the transaction; and, as my noble friend had done nothing to deserve it, he ought not to have been exposed to such a construction. My right hon. friend says, that his letter was marked "private and confidential," and therefore should not have been treated as an official document. Now, Sir, I do not think that public men attach much importance to those terms. I am myself, from foolish habit, perhaps, accustomed to endorse my letters, connected with public business, with the word "private" or the words "private and confidential." I do not, however, rely upon this point; but I contend, that no superscription or endorsement of "private and confidential" can alter the case if the letter be of a public nature. If it relates to an important public act, the mere saying that it is marked "private," cannot alter its tenor or bearing. No public man can, by such means, envelope in secrecy public acts of great importance. It cannot be said, that the words "private and confidential" stamp that letter as one which was addressed to my noble friend under ordinary circumstances. Again, I will say, that the character of the letter depended on the matter it contained, and the terms in which it was couched, and not on the superscription. That letter referred to a vote given in the House of Commons, and to "disunion" which was likely to result from it. The letter adverted to a vote in the House of Commons, and my right hon. friend speaks of the duty which he owed to the duke of Wellington as the head of the administration, which duty impelled him to tender the resignation of his office. What, then, does my right hon. friend mean by having his letter marked "private and confidential?" His letter said, in effect, that a minister of great importance held his office on so precarious a tenure, that he felt it necessary to tender his resignation. As that was the case, could the noble duke conceal the circumstance from his colleagues—could he keep his knowledge of this declaration from the Crown? I cannot, under these circumstances, give to the words "private and confidential," the importance which my right hon. friend wishes to attach to them; and I do not think that they could or ought to have prevented my noble friend from communicating the contents of that letter. Those words undoubtedly could not relieve my noble friend from communicating the letter to his colleagues and to his majesty. The answer to that letter shows the view which my noble friend took of the subject, and also the situation of embarrassment in which he was placed. My noble friend wrote thus:—

"*London, May* 21, 1828.

"My dear Huskisson,—In consequence of your last letter, I feel it to be necessary to recall to your recollection the circumstances under which I received your letter of Tuesday morning.

"It is addressed to me at two o'clock in the morning, immediately after a debate and division in the House of Commons. It informs me, that you lose no time in affording me an opportunity of placing your office in other hands, as the only means in your power of preventing an injury to the king's service which you describe. It concludes by 'regretting the necessity for troubling me with this communication.' Could I consider this in any other light than as a formal tender of the resignation of your office, or that I had any alternative but either to solicit you to remain in office contrary to your sense of duty, or to submit your letter to the king?

"If you had called on me the next morning after your vote, and had explained to me in conversation what had passed in the House of Commons, the character of the communication would have been quite different; and I might have felt myself at liberty to discuss the whole subject with you, and freely to give an opinion upon any point connected with it. But I must still think that if I had not considered a letter, couched in the terms in which that letter is couched, and received under the circumstances under which I received it, as a tender of resignation, and had not laid it before the king, I should have exposed the king's government and myself to very painful misconstructions. My answer to your letter will have informed you that it surprised me much, and that it gave me great concern. I must consider, therefore, the resignation of your office as your own act, and not as mine. Ever yours most sincerely, (Signed) WELLINGTON.

"The right hon. W. Huskisson."

Such was the view which the noble duke took of the course adopted by my right hon. friend, as well as of the state of embarrassment in which he would be placed, if he did not receive his proffered resignation. To me it appears impossible that my noble friend could have acted otherwise. There was in fact no alternative for my noble friend at the head of the government, but to solicit one of the ministers to remain in office, or to adopt the course which he did by carrying the letter to the king. I grant that fair allowances should be made for the feelings of the individual minister under the circumstances in which he was placed; but allowances ought also to be made for the feelings of my noble friend, who, having but one alternative, was obliged to choose between solicitation or acting upon the resignation, such as it was; and I must say, for my own part, that I think the noble duke was perfectly justified in the course which he took upon the occasion. If my right hon. friend was of opinion, at any time after the transmission of his letter, that there was not sufficient cause to call for his resignation, the course was open to him to write and say so. That my right hon. friend did not think proper to avail himself of that course is a circumstance upon which I shall never cease to feel the deepest regret.—But my right hon. friend has complained of a message which I understand to have been conveyed by my noble friend, lately at the head of the foreign department (earl Dudley) from the noble duke; the message was merely that "Mr. Huskisson is a man of sense." I am sure, that if such was the message, and I have such confidence in the honour and unimpeachable veracity of the noble earl as to believe that it was—the expression could not have been intended in any other way than as the assertion of a fact; and neither that nor any other expression which my noble friend might have used could have been intended as a slight towards my right hon. friend. A great deal, I allow, must depend on the manner. It is evident that there was nothing in the expression, unless my right hon. friend has said, it was intended as a sarcasm. But is such the interpretation to which it was fairly liable? On the contrary, is it not natural that my noble friend, feeling the difficulty in which my right hon. friend was placed, and feeling also that he was a man of sense to deal with that difficulty, should have expressed that he was so? That my noble friend did not make any distinct proposition on the subject can be accounted for by other considerations than the wish to force my right hon. friend to actual resignation. If the noble duke had suggested any terms, it might have looked like dictation; if he had resorted to any solicitation, it might have had a tendency to lessen his consequence, as the head of the government, in the eyes of the world. I understood, from my noble friend to whom I have before alluded, that the message of the noble duke was not intended as a sarcasm; that the noble duke stated, "Mr. Huskisson is a man of sense, he knows how to act upon this occasion;" and I think my noble friend represented the noble duke to have added, "and he knows I am not a person to require any admission or conduct from him which could be inconsistent with his personal honour." I am much mistaken if my noble friend has not represented the noble duke to have used these words, or words to this effect. If the expression had been conveyed in the manner which my right hon. friend has erroneously supposed, I am ready to allow, that it was a most uncourteous proceeding, and that the natural and necessary effect of it must be, to prevent all advances to conciliation. But so far from wishing to prevent conciliation, the noble duke waited until two o'clock on the Tuesday, before he took the letter to the king. My right hon. friend has said, that the noble duke returned his letter to him unopened, because it had not arrived before two o'clock. That, too, has been complained of as an uncourteous proceeding; but when I have stated the circumstances in which my noble friend was placed, I will appeal to any man in the House, whether he could have acted otherwise with honour and delicacy? The noble duke had not received this letter until after he had been with the king, and sir George Murray had actually been appointed the successor of my right hon. friend. Under these circumstances, the noble duke thought it probable that the letter might allude to past transactions, which were no longer open to arrangement, and felt that he should not be justified in opening the letter, and availing himself of its contents. Can conduct like this be compared to the act of a man who returns a letter from want of courtesy, or in a disposition to cast a slight upon the writer? When shortly afterwards, I met my noble friend, and understood from him that he had returned the letter, I will not disguise from the House that I expressed a hope that my noble friend returned it in such a manner as to show plainly the motive and ground upon which he had done so. The answer of my noble friend was, that he had received it after he had been with the king, and after a successor had been appointed to Mr. Huskisson, and that he did not feel himself justified in reading its contents. He did not therefore return it in an uncourteous manner, or with any feeling of disrespect or inattention towards my right hon. friend. I only state this to show how necessary it is to consider the circumstances before we come to a decision upon these transactions. With respect to the first letter of my right hon. friend, I believe that my noble friend did not consider it in the light of an absolute resignation. But, though not an absolute resignation, it was a formal tender of resignation from a minister engaged in a most important department: and it was a tender which was not followed up by any subsequent communication, calculated to remove the impression that it was tendered with a view to be acted on. In all the subsequent letters there was no withdrawal of the first; which, although it was not an actual resignation, was a tender of it; on the contrary, every one of them referred to that letter. This I believe to have been the actual state of the case, and I never can speak on the subject, without expressing my regret at the circumstances from which arose its necessity.

My right hon. friend, in conclusion, referred to a subject of still more importance. The insinuations, rather than the direct assertions, of the hon. member who opened this debate, gave it to be understood, that there was some want of confidence in the government towards my right hon. friend, and that advantage was taken of a casual circumstance, in order to get rid of his services. I now beg to repeat, that if I were not as firmly convinced as it is possible for a man to be, that this was not the case, and if I were not perfectly satisfied that such injustice never existed, nothing upon earth could induce me to remain a member of the cabinet. My right hon. friend has asked, whether a portion of the aristocratic interest did not signify to my noble friend, that their support was only to be purchased by the exclusion of my right hon. friend from the councils of the sovereign. I say, in answer, that the time for such an interference has gone by. I do not believe that any such influence has been exerted, and I am sure that if such an attempt were made, it would be repelled in the manner it would deserve. I say, Sir, that, up to the hour of my right hon. friend's resignation, there was the most perfect cordiality between the other members of the cabinet and him, and that not an idea was entertained of excluding him from the councils of the government, on account of any influence, or of any thing he had done. It is, therefore, a mistake to suppose that my right hon. friend has been, or can have been, excluded from the king's government by such representations. My right hon. friend has done me the credit to say, that he believes me incapable of acting with subserviency under any circumstances in which the cabinet may be placed. I know not from what considerations my right hon. friend has come to this conclusion, but I hope it is from a knowledge of the course which I have always pursued. I stated, at an early period of the session, that I thought the government of this country could not be conducted upon any extreme principles—that it could not be conducted by selecting any one interest as the favourite, but that that course, call it compromise if you will, or by any other name you may think proper, was a wise policy which attempted to reconcile conflicting interests, and to do justice alike to all. I never will, in any advice which I may give to the king, be swayed by Mr. Canning's principles, or lord Liverpool's principles, or by the principles or system of any other men. I know nothing of the systems of individuals as a member of the government. It is easy to imagine systems, and to attach nick-names to opinions, but I will decide upon each question that comes before me by its own merits, by the circumstances of the case, and by the complexion of the times. I will act upon all occasions without tying myself down to any peculiar principles. As to the separation which has occurred, I avail myself of this opportunity to state, that, so far as I know, it has not taken place in consequence of any difference, either of policy or of prinples, amongst the members of the government. And, with respect to my noble friend, I will ask, with the money and other supplies of the year not voted, can it be, for a moment, imagined, that the noble duke would be studiously desirous of breaking up the administration, or whether he is a man likely to act from secret views, which he would not openly avow? I say that the conduct of my noble friend, throughout the whole of his administration, affords the most complete refutation of any such idea. I say that my noble friend, from the first moment he accepted his present office, attempted to unite the government; and, by the spirit of moderation and the proof of temper exhibited by him, endeavoured to lay the foundation of a stable administration. I do not disguise from myself the difficulties of the situation in which I am placed: I do not disguise from myself the difficulties in which the country is placed; but I hope that I shall be found capable of taking the medium between the presumption of confidence and the timidity of despair.—I shall give my best services to my sovereign, so long as he shall be pleased to command them. Whatever difficulties I may have to encounter, or however exposed I may be to the calumnies by which public men are assailed from all sides, I shall devote to the last hour every energy I may possess, to the maintenance of that post in which my sovereign has placed me [loud cheers].

Lord *Palmerston* said:—Sir, I feel that I owe it as a duty to myself and to the House to explain such parts of the transactions adverted to in the speeches of my right hon. friends, as far as I was connected with them, and as far as they have relation to the grounds that led to my retirement from office. With respect to the borough of East Retford, my right hon. friend, who spoke last, will confirm me in the statement, that I very early acquainted him with the preference that I entertained for transferring forfeited franchises to large manufacturing towns, rather than to extend them to the hundred. However, as, in the case recently brought before parliament, there were the franchises of two boroughs, Penryn and East Retford, to be disposed of, I considered it a reasonable proposal, that one of them, Penryn, should be transferred to a large manufacturing town, Birmingham, for instance, and that East Retford might be thrown into the hundred. This was in the case of two boroughs being to be disfranchised: but I never concealed from my right hon. friend, that in the event of there being only one borough, I should prefer the transfer of that one to a manufacturing town; otherwise the House of Commons would be acting on a rule which my right hon. friend himself deprecated; namely, that there should be a settled precedent for transferring a forfeited franchise either to a manufacturing or to an agricultural district. This rule, it appeared to me, would be acted upon, if, after having extended the forfeited franchise to the adjacent hundreds in the cases of Shoreham, Cricklade, and Ailesbury, an additional instance should be afforded of disposing of a new disfranchised borough in a similar way. It certainly was the impression on the minds of those who were present in the cabinet on the previous morning, that there was an understanding that it was an open question, on which eventually every member of the government was at liberty to vote according to his opinion. It is true that that implied liberty was perhaps more especially applicable to some subsequent stage of the bill. But, after what passed on the night of the debate, my right hon. friend, as a man of honour, had no alternative but to vote as he did. He had no option: he told me at the time that he had none; and I entirely agreed with him in the view which he took of the subject, and I voted accordingly. Sir, I have stated this in order to relieve my right hon. friend from the imputation, that the course which he took on the question was adopted by him in order to embarrass his majesty's government; or that it was an unfair abandonment of my right hon. friend, the Secretary of State for the Home Department. Should such an imputation be cast upon my right hon. friend, come from what quarter it may, it is wholly unfounded. My right hon. friend had no choice. For myself, I was prepared to vote as he did. Even if circumstances had permitted the delay of that vote until a subsequent stage of the measure, the same consequences would have taken place, only that in that case there would have been an opportunity for intermediate explanation.—But, Sir, the great objection which has been urged to my right hon. friend's conduct has been placed, not on the vote which he gave on the East Retford bill, but on the letter which he wrote to the noble duke at the head of his majesty's government, which letter, it is alleged, contained a formal resignation of his office; and it has been contended, that having once written such a letter to the noble duke, his grace had no option but to submit the letter to his majesty. Sir, in the first place, my right hon. friend has stated, that the letter in question was written at a very late hour, when he was labouring under circumstances of great physical fatigue and exhaustion, as well as of strong mental excitement. My right hon. friend has stated, that if he had postponed writing the letter until the next morning, he should probably have expressed himself with more coolness and distinctness and in a manner that would have rendered his meaning less liable to be misunderstood. My right hon. friend has also said, that he does not complain of the sense in which the noble duke understood his letter when his grace first received it. But this, Sir, I must declare, that let that letter have been susceptible of what meaning it might, I think that, taking into consideration all the circumstances under which it was sent and received, there was an extraordinary degree of precipitation on the part of his grace in acting upon it, and in determining to submit it to his majesty, without having taken a single step, directly or indirectly, to ascertain the spirit in which the letter was conceived. It may be said that when the head of a government receives from a member of that government a letter which he understands as containing a resignation of his official station, it is his duty to communicate such letter without delay to his royal master. But, Sir, I deny that this letter was of that character. I maintain that it was a letter perfectly capable of a satisfactory explanation. In fact, my right hon. friend did on Tuesday, twice offer an explanation to the noble duke; once by my noble friend at that time Secretary of State for Foreign Affairs, and again by myself. I did not know what had occurred until four o'clock on Tuesday, when my right hon. friend sent for me, and communicated it to me. I immediately went in search of the noble duke, in order to describe the transaction, and to state the circumstances which had led to the course pursued by myself as well as by my right hon. friend; and also to explain the sense in which I understood my right hon. friend to have written his letter. After a conversation with his grace of considerable length, I returned to my right hon. friend, and told him that his letter had been understood by the noble duke, in a sense very different from that which he intended; and I suggested to him the expediency of giving an explanation in writing. That explanation my right hon. friend accordingly gave. On the following day, my right hon. friend repeated his explanation; detailing minutely the sense in which he wished his original letter to be understood. What was the consequence? On Thursday my right hon. friend received from the noble duke the letter which he has just read to the House — a letter passing wholly by all the explanations which my right hon. friend had offered, both verbally and in writing, and fixing my right hon. friend's first letter with a meaning which my right hon. friend had repeatedly declared was not that which he intended to convey; but which was consonant to the impression made upon his grace's mind in the first instance, before he had received any explanation whatever from my right hon. friend. When that letter was shown to me, I felt that the door was closed against all further attempts at reconciliation. I felt that when my right hon. friend's explanations were left wholly unnoticed—when, instead of its being said to him, your explanation is not sufficient, and pointing out to him where it fell short, in order to enable him to fill up the gaps and supply his deficiencies—when, instead of this, came a letter passing by all the explanations that had been given — I felt, that from whatever causes this conduct might spring, there was no chance of any further explanation leading to a satisfactory result. That conviction I communicated to my right hon. friend; and the impression upon my mind being, that the removal of my right hon. friend from his majesty's government, under all the circumstances by which it had been attended, would render it advisable for me to withdraw also, I requested an hon. friend of mine to postpone for me until after the holidays a notice of motion which I had given in this House. What was the situation in which my right hon. friend was left from the Thursday to the Sunday? He had explained, as far as human ingenuity could explain it, the sense of his letter; but his explanations had not been accepted. He had expressed a wish to give an explanation of his conduct to his sovereign, but he was debarred access to him. I do not mean to say that it is inconsistent with constitutional principles, or that the head of the government had not a right to advise his sovereign as the noble duke did. He might fairly say to his majesty, "this is a question between me and a member of the government; let me conclude the matter." I do not deny that the noble duke might so advise his sovereign; but I think it was due to my right hon. friend to afford him some clue by which he might discover what was wanted to explain his conduct satisfactorily. My right hon. friend who spoke last, has said, that resignations ought to be sparingly used, as they give the person who makes them an undue advantage over his colleagues in office. I agree with my right hon. friend, that where a difference of opinion prevails in the cabinet on any subject, the person who differs from his colleagues, and tenders his resignation, is placed in a situation of advantage, because he cannot remain in office, and withdraw his resignation, unless the point on which the difference exists be conceded to him. But, Sir, my right hon. friend did not say to the noble duke at the head of the government, "If you will not do so and so I will quit your government." He said simply, "I have acted in a certain manner; I had no choice but to act as I have done. I do not require you to enter into that question now; but if the rest of the government object to what I have done, and you think it necessary to advise my being removed from his majesty's service in consequence of it, I shall not consider it a ground of complaint, or imagine that you have dealt hardly by me." That was the language of my right hon. friend. Indeed, so far from his letter being a call upon the government for concession, the fair construction of it, as explained by the subsequent correspondence, is, that it was a concession made to the head of the government — a kind of *amende* for the vote that had been given. I do not think it fair, then, in the right hon. gentleman to place my right hon. friend's removal from his situation in the government, to the score of his letter, as if that was a resignation, when it was over and over again explained that my right hon. friend did not wish to quit his post, and that his letter merely meant that, should the head of the government think it requisite, he was ready to comply with his wishes.—We next come to the transactions of the last few days. I must say, that notwithstanding the explanation which my right hon. friend (Mr. Peel) has given of them, it was perfectly impossible for my other right hon. friend to have remained in the ministry, after receiving the communications which were made to him. Without meaning to express any opinion upon feelings which, being in the breasts of others, I cannot judge of, but drawing inferences from the facts which are before us, I cannot see any one in the whole course of these transactions, from the beginning to the end, which indicates a desire to retain my right hon. friend in office; but many I see which are perfectly reconcileable with a desire for his retirement. That was the impression which a view of the whole facts and correspondence made on my mind. And then arose the question for my consideration, as to what course I should take. I had been a party to the vote which had induced my right hon. friend to write the letter, but as his retirement was put upon his letter, in which I was not concerned, and not upon his vote, I was not placed on precisely the same ground. It may be presumption in an humble individual like myself to imagine it of importance to any one in this House, or elsewhere, as to what the grounds of my retirement from office were, but it will be a satisfaction to set myself right with the public on this, to me, interesting subject. My main reason, then, for joining the government formed by the noble duke was, the confidence I felt in my right hon. friend being a member of it. I have, Sir, very strong feelings relative to certain general principles, of the greater part of which my right hon. friend has been the powerful advocate. It is upon his support of them that his public reputation is founded. I felt that as long as my right hon. friend was a member of the government, I had a security that I should never be placed in the embarrassing situation of having singly to withdraw myself from the councils of his majesty, or of being obliged to give my assent to measures of which I could not approve. I had not the presumption to suppose that I could myself give effect to any particular system; but while my right hon. friend was in the cabinet I knew I was safe. Such being the ground on which I joined his majesty's government, the retirement of my right hon. friend, proceed from what cause it might, naturally forced upon me the consideration whether, with the views which I have described, I could continue to belong to that government. The circumstances attending the removal of my right hon. friend afforded such strong and unequivocal indication of feelings and impressions in the cabinet, different from those which I had believed to exist, that I could not have reconciled it to my mind, even if I had had no share in the vote in question, to continue in the cabinet after my right hon. friend had quitted it. Sir, I must say, that there is a striking contrast between the manner in which my right hon. friend has been recently treated, and the manner in which he was treated in January. In January, no indisposition whatever was shown towards him. In January his motives suffered no misunderstanding. On the recent occasion his explanations were unnoticed; his own declaration of the sense in which he intended his expressions to be understood was unavailing. It was impossible to observe this marked slight without feeling that so great a change must proceed from some cause or other. It was impossible for me not to feel that that cause was a diminished confidence in my right hon. friend. When, therefore, I saw this change of sentiment towards my right hon. friend, and found that he had been removed from his majesty's service, I thought it was high time for me also to withdraw; because I felt convinced that the principles which my right hon. friend had maintained were no longer to be upheld. Nor was that impression mine alone. I appeal to any gentlemen in this House, who know what is passing in the world, whether they have not seen persons active in meetings, dining together, and running about the town in ecstacies of exultation at what had taken place, avowedly on account of the change which is to be wrought. I appeal to them to say, whether the language of those persons does not prove my assertion, that my impression is that of others. The persons who held this language are the avowed supporters and well-wishers, if not the actual organs or advisers, of the present government. What are we to conclude, when we hear these persons talking of "cleansing the Augean stable"—of "expelling traitors from the camp,"—of "turning out persons whom it might be useful to take in for a moment, and who might be permitted to remain if they became docile?" When we hear that language from those who can have no wish or desire to misrepresent the sentiments of those they support, can I be wrong in my impression that there was an altered disposition towards my right hon. friend? It is clear that these persons whose language I have repeated, have the same impression as myself; and they speak with open heart, for they can have no disposition to impute to the government any thing which they would think likely to throw discredit upon it. All they have said has been matter of boast, and an indication not to be doubted. We are, however, told, Sir, that the principles of the government are to undergo no change. I am rejoiced to hear it, for if the prediction be verified it will be conducive to the advantage of the best interests of the country. It has been said, that to speak of the principles of this man or that man is an ambiguous phrase; but, Sir, I say that the course of measures which have been pursued for some years past has been founded upon principles which have mainly upheld the most important interests of the country, contributed to promote its internal welfare, and raise it in the estimation of other nations. The manner in which our foreign relations have, for some years, been managed, have raised this country to a point of proud pre-eminence, which, in no former period of our history has been surpassed, and rarely equalled. This situation has not been gained by lawless violence, but by the confidence inspired by our justice, moderation, and the enlightened wisdom, of our councils. It is this that has gained us the respect of all the nations of the civilized world, and made the king of this country to be chosen the arbiter of other States, and to be placed in a situation of greater dignity, than was ever attained by the conqueror who lately ruled France. It is a situation too, which, as it was not obtained by violence, but by wisdom, and the influence of our councils, is so much the more worthy of envy and admiration. Sir, it is said that the course which has placed the English king and nation in this situation will be continued. I trust that it will; but I must confess that there are prognostics and symptoms in the times, which inspire me with apprehension on this point. There are sounds in the passing breeze, which, like unto voices of mysterious and directing spirits, seem to warn us of danger not far distant. I trust that the omens may be falsified, that the predictions of good may be fulfilled, and that the voices may pass as whispers of the empty wind. I will hope that government will not endeavour to destroy that which has cost so much labour to rear. I will trust that government will not promote the giving of "one cheer more," to the ascendancy of this or that faction; that it will not league itself with the assertors of arbitrary and intolerant principles, I trust that government will found their claim to the approbation of the people by maintaining, not in this country alone, but wherever their measures may extend, the ascendancy of liberal, wise, just and enlightened principles. Sir, it is only by pursuing such a course that they can obtain the confidence of the House and the public: it is only by pursuing such a course that they can secure the permanence of their own power.

Mr. *Huskisson.* — I should not have trespassed again on the indulgence of the House, in explanation, had not much of the debate turned upon matters which it is material should not be misunderstood. My right hon. friend, in the first part of his speech, alluded to the proceedings which took place concerning East Retford. He stated, that I meant to have voted as he did. I am bound to say, that his statement is perfectly correct. I came down to this House fully intending to vote with my right hon. friend. Nay, such was my intention nearly up to twelve o'clock on that night. Up to that hour I saw no necessity for not giving that vote. It having been settled in the cabinet that morning, that it should be an open question, my vote was not material one way or the other: but after that hour, an attempt was made to lay down an entirely new proposition, with respect to the elective franchise, I therefore proposed an adjournment of the question, until we could decide upon this new principle. If my right hon. friend will refer to what I said, he will see that I opposed the substitution of Manchester for Birmingham on a technical objection. What I said was, "if we were to send up a second bill, with the word Manchester in it, we should be guilty of a manifest inconsistency." We had a right to presume that the bill in the Lords would not transfer the franchise to Manchester; but still it was urged, that, whilst it was in the Lords, we could not send up another bill with the same name to it. We were not to know that that bill would ever pass; and we were bound to proceed upon the knowledge which we had, that the Penryn bill would not transfer the franchise to another town. I knew my own intentions; I knew that I had it not in contemplation to speak in the debate of the 21st March; nor could I have any motives for outstepping the limits assigned by my colleagues. If I did, it was inadvertently, but whether it was so or not, I was bound by it. This, however, is a point which I do not think it necessary to enter into further. From the imperfect manner in which I expressed myself, my right hon. friend must have greatly misunderstood me in that part of my speech, where I mentioned what passed between my noble friend at the head of the Foreign Department and myself. My right hon. friend understood me to say, that I received a message from the duke of Wellington to tell me that I was a man of sense. On Thursday morning, after considering the matter as at an end, I was told by my noble friend, that the matter was not by the noble duke considered as at an end. After that communication my noble friend gave me his impression of some things, which the noble duke had said complimentary to me. I understood my noble friend to say, not that the duke had said I was a man of sense and a man of the world, but that I was not an unreasonable man. With respect to another point, I am the last man in the world to asume that the duke would wish me to do any thing inconsistent with my personal honour; for he has gained too much of honour himself not to be aware of its value. I conceived myself entitled at that time to write to my noble friend at the head of the Foreign Department, and I stated to him, as I now state to the House, that at the time in question I had received no such communication; nor do I know what its purport would have been, but I am to presume that it would have been to the effect, that any answer of mine would, after a certain time, have come too late; that is, that my letter would be taken as a resignation, if I refused, previous to a certain time, to make a retraction of it. I am also to presume, that the duke of Wellington acted under a different impression from that which influenced me at the time I am referring to, when he returned my letter unopened. Knowing, as I now do, the circumstances under which that letter was returned, I cannot attribute it to any uncourteous disposition entertained towards me; but the fact is, that at the time it was returned to me I had not been apprised that a definitive time had been appointed, after which it would be futile for me to make any communication on the subject of my contemplated resignation. In the answer which I received from my noble friend, he stated, that I was quite right in the construction I put upon the circumstance of my letter having been returned unopened, and actually it afterwards turned out, that previously to that period, the noble duke had taken his majesty's commands as to the appointment of my successor. I deny that the communication which I forwarded to the duke had been previously made known to my noble friend at the head of the Foreign Department, however confidential and intimate the footing may be on which we stand. The letter in question was only known to three persons of whom his majesty was one. It is perfectly an error to suppose, that I made any communication on the subject which reached the newspapers, or which directly or indirectly could pass to the various channels of information abounding in the metropolis, and I would fearlessly ask any one who knows me, whether such conduct be at all consistent with the character which I trust I have always borne. It was alleged, that the report made a great impression; yet how is this consistent with the fact, that it was not till two days afterwards that the slightest intimation of it appeared in this town, where gossip is sought after and circulated, and where public events are made the subject of such constant discussion? I say, that these particulars were not known beyond the number of three, unless they were communicated by the duke of Wellington. It is upon these grounds, that I humbly conceive I am not to be held to such misconstructions as might unintentionally be put upon my words or conduct. I feel so strongly the inconvenience of these explanations, that nothing but a sense of duty to myself, and of respect to the House, could induce me to occupy their attention at such length as I have done.

Mr. *Brougham* said, that he was not disposed to take a part in discussing the very extraordinary transactions which had given rise to the explanations of the right hon. gentleman, and to the speech of the right hon. Secretary for the Home Department. That which was of the most importance to the House, and to the country, was, the character and intentions of the government formed after the resignations. That it was, in many essential particulars, both with respect to the individuals composing it, and, if he might so speak, with respect to the principles of its construction, different from that which had preceded it, no man could entertain a doubt. On this subject, however, he abstained for the present, from making any observations.—He was willing still to wait and watch the proceedings of the government; but if he had thought that vigilance was necessary at the beginning of the session, assuredly, to say the least, it was as necessary now. What the measures of the new administration might be, it was impossible for him, or any body present, to say; but he certainly derived great comfort from two pledges, one of which had been given that night, and the other existed in the character of the noble duke at the head of the government, giving him credit for nothing beyond ordinary discretion. Considering the kind of government formed, and the difficulties in which they were placed, he did think that there was something like a security, that supposing him to act merely as a man of sense and prudence, he would bring forward measures of retrenchment to satisfy England, and measures of conciliation to pacify Ireland. He could conceive no other possible ground on which the duke of Wellington could claim the support of parliament, or a ministry like the present could hope to stand: another pledge, to the same effect, was the continuance of the right hon. gentleman (Mr. Peel) as a member of the administration, and the declarations he had made that night; for, though nothing very explicit had been stated, he took the meaning of what had been said, to be, that there was no charge whatever intended—that no attempt of any kind shall be made—be the same ever so much desiderated in one quarter, or ever so urgently pressed in another,—to alter the principles on which our foreign and domestic policy has of late been conducted—that there is to be no deviation whatever from the sound, enlightened, and liberal principles long recommended on one side of the House, and at length adopted on the other; and which had obtained from all men of sense and discernment, who had the interest of their country at heart, not only their assent but their hearty support.

Mr. *Peel* said, that the separation between himself and his right hon. friend had not arisen from any difference of opinion on the general policy of the government. He had made no compromise in remaining in office. As to the future, he would not give any pledge, but he did not contemplate any change in the foreign or domestic policy of the country.

The House then resolved itself into a committee on the East Retford Disfranchisement bill. The adjourned question was, "And whereas such bribery and corruption are likely to continue to be practised in the said borough in future, unless some means are taken to prevent the same; in order, therefore, to prevent such unlawful practices for the future, and that such borough may be duly represented in parliament, &c." The amendment of Mr. Huskisson was—that all the words after the word "*future*" be left out.

Mr. *Tennyson* asked the right hon. member, to which of the words "future." his amendment applied?

Mr. *Huskisson* said, that, the House was bound to counteract the evil which had been proved to exist in this borough. The view which the House had taken of previous cases of this kind was perfectly clear. If, in the case of any delinquent borough, a number of voters were proved to have been free from corruption, the practice was, to exclude the tainted voters, and to retain those that were pure, by extending the franchise to the neighbouring hundred. It was in this mode that the House had proceeded in former cases of boroughs in which some voters were corrupt and some untainted, and where it was thought desirable to preserve the untainted voters in the possession of their former privileges. This was the case with Penryn, where it was not proved that half the voters were tainted. But, in the case of East Retford, it was quite different, for there the great majority were proved to have been corrupt. Therefore the ground for throwing open the franchise to the neighbouring hundred did not exist. His hon. friend (Mr. N. Calvert) said, it was not his intention to destroy the borough, but to throw it open to the hundred of Bassetlaw. This would be, in effect, to create that hundred into a little county in itself; for there were scarcely more than two members of the borough of East Retford who could have a vote in it. Rather than agree to the creation of these little new counties, he would prefer that the franchise should go to one of the Ridings of Yorkshire.

Mr. *C. Wood* expressed a hope, that the bill would have the vote of the right hon. Secretary, after what he had admitted —the compromise that had been made. Having stated that compromise, the right hon. gentleman should be bound by it; for it was childish to suppose that the franchise, in the case of the bill sent up to the other House, would now be given to Manchester. If transferred at all, it was certain that it would be to the adjoining hundred; so that the House was in the same situation as if they had passed the Penryn bill, making the transfer to the hundred. It was true the other House might throw it out altogether: so they might if the House of Commons had passed it with the transfer to the hundred. He would say, then, that if the right hon. Secretary had any regard for the pledge he had given, he was bound to vote in favour of the transfer to some large town. Precedent had been relied upon. It was true that all the precedents had gone in favour of the agricultural interests; but the course for the House to pursue would be, to send up bill after bill to the other House, till they got rid of the odious uniformity of these precedents. Again, he would contend, that they had a right to the benefit of the right hon. gentleman's compromise. He did not mean to impute any unfair dealing to the right hon. gentleman; but he must say, that if any man wished to play an unfair game, he would have pursued the course which the right hon. gentleman had taken. The hon. member contended that if the franchise was to be transferred to a hundred, if it was to be given to the agriculturists, it should be to some part of the country where they were not adequately represented; for certainly there were many parts which had much stronger claims than the hundred of Bassetlaw. It was absurd, to argue, that the balance was to be kept up between the agricultural and commercial interests, as a reason for giving this franchise to the adjoining hundred. The balance was now in favour of the agriculturists; for they had already six out of the seven franchises taken from corrupt boroughs. It was time, then, that the balance should be corrected. Some members talked of innovations on the constitution; but they were the great innovators who supported this transfer to the hundreds; for members for hundreds were neither knights, citizens, nor burgesses, but a sort of mongrel breed not known to the constitution. It was the duty of the House to transfer the franchise when it lapsed, as in the present case, to some great town, which had raised itself to opulence by its industry, and whose interests required a voice in the representation of the country.

Mr. *Stanley* observed, that as to the merits of the question, it had been said, that the hundred of Bassetlaw was the fittest place to which the transfer of the franchise could be made. Now, how was this argument supported by the facts? The evidence proved that all the voters, with the exception of eleven were corrupt. Even the individual whom the hon. member for Hertford proposed to make the returning officer had, to his disgrace, acknowledged at the bar of that House, that he had accepted bribes. Under these circumstances, it was incumbent on the House to blot East Retford from the book of the elective franchise. At the same time, he would leave it to be decided at a future period as to what place the franchise should be transferred to.

Mr. *G. Bankes* said, the evidence did not bear out the hon. gentleman in the assertion that only eleven voters in East Retford remained uncorrupted. The evidence applied rather to the election of 1812, than to the subsequent elections; and since that period about one hundred and forty-six new freemen had been added. It would be most unjust to deprive those individuals of their rights, without conclusive evidence of their guilt. The hon. gentleman had made allusion to the returning officer; but it should be recollected, that there were two returning officers for the borough, a junior and a senior. Now, the senior officer had never been even suspected of receiving a bribe. Upon the whole he thought the motion of the hon. member for Hertfordshire was most consistent with justice, and therefore he would give it his support.

Mr. Alderman *Waithman* addressed the House, but continued coughing and other noises rendered him quite inaudible.

The committee divided: For the original motion 258: For the amendment 152: Majority 106.

Mr. Secretary *Peel* said, he had thought one of the proposals of the hon. mover of this bill was, to agree in effecting a compromise, by admitting one of the boroughs to retain its franchise, while the other was given to a large town. By that plan his course would be governed. If the House of Lords should throw the franchise of Penryn into the neighbouring hundreds, he, as an individual, should consider himself bound by his pledge, and would certainly redeem it, by throwing the franchise of the borough of East Retford into the hands of the inhabitants of a large town. But if the Lords adopted a different course, then, seeing that in that case his vote would go to deprive a county now only possessed of eight members of two of its members, and to reduce them to the number of six, he should certainly not feel himself bound to give that vote. He proposed, therefore, that the further consideration of this subject should be postponed till the determination of the House of Lords was known; but, in the meantime, he recommended the hon. member for Hertfordshire, to go on with his part of the bill, and get it printed with his amendment, leaving it to the House ultimately to adopt or reject that amendment, according to the manner in which the Lords thought fit to treat the borough of Penryn.

Mr. *Tennyson* objected to that recommendation, that if the bill should now be printed with that amendment, the House would afterwards be considered to have taken an irretrievable step. He would rather lose the bill altogether, than let the franchise be extended to the hundred.

Mr. Secretary *Peel* said, he was convinced that there had been notorious and general corruption, such as to justify him in punishing the borough. He would consent to disfranchise every individual member of that borough who had been proved to have been guilty of corruption. He would, in that respect, go beyond the cases of Cricklade and Aylesbury, and adopt the precedent furnished by the borough of Shoreham. In doing so, there might be a question as to whether that punishment could be visited on those who had admitted their corruption at the bar of that House; since those individuals had been promised indemnity. Upon that promise, it might be a question whether the indemnity was an indemnity from penal consequences only, or from consequences of any other kind.

Mr. *Hobhouse* thought it quite unnecessary to wait for the decision of the House of Lords, of the nature of which they must all be well aware. He much regretted that the right hon. Secretary had not made the other night the same declaration which he had just made. It would have saved a world of embarrassment elsewhere, and have avoided the necessity for much of what had passed to-night. With respect to himself, he must say, that if the borough was to be disfranchised only to give its elective rights to the hundred, he should prefer letting it return to its old corruption. He could not agree, that the franchise was to be transferred merely for the sake of punishing the voters: he thought the object ought to be to improve the system of representation. The transfer of the franchise to a large town was a fair and intelligible mode of effecting that object, and should have his support. He would advise the hon. mover rather to withdraw the bill than to consent to the franchise going to the hundred, where there would not be less corruption than in the borough itself. The bill seemed fatal in every respect; it had upset one government, and if persevered in, might upset another; and yet, after all these evils, the object of the proposer might be defeated.

Mr. *Tennyson* said, that the House might divide to all eternity before he would submit to have his object defeated.

The gallery was cleared, but no division took place. On our return we found

Mr. *Stanley* stating it as his opinion, that the hon. and right hon. gentlemen were differing only about a question of punctilio.

Mr. *Peel* characterised the conduct of the hon. gentleman as that of a vexatious proceeding, to which he would not resort if he were out of office to-morrow; as it only tended to stop public business. He should take the sense of the House on the question itself, and he trusted that would be decisive.

Mr. *Rickford* said, that the object proposed on both sides of the House was, to cure the evil of bribery and corruption which had long prevailed in East Retford. He cautioned the House against transferring the bribery from one class of electors to another, and recommended the right of election to be confined to the resident freeholders.

Mr. *Tennyson* observed, that if the right hon. Secretary was sincere in his intention of giving this franchise to a considerable manufacturing town, in case Penryn should go to the hundreds, what could he gain by the clauses being brought up? If, after the course he (Mr. T.) had taken in this measure, he allowed "Bassetlaw" to stand in the bill, he should be disgraced in the eyes of the country.

The committee divided on Mr. Tennyson's motion of adjournment: Ayes 24; Noes 221; Majority 197. On our re-entering the gallery,

Mr. Secretary *Peel* was on his legs, declaring that he would accept no compromise. If the hon. member would allow the disqualifying clause to be brought up, it might be done, and he would afterwards consent to any reasonable delay. In order for the House to understand the proposition of the hon. member for Hertford, it was necessary that it should be in print.

Mr. *Tennyson* did not think, without a fresh instruction to the committee, that the clauses could then be introduced into the bill.

Sir *J. Sebright* recommended his hon. friend not to oppose the introduction of the clauses. He would rather see the bill thrown out than that it should pass as it was now framed. The public would then be assured, to whatever extent corruption might be carried, it would receive no punishment from that House.

Lord *Nugent* thought there could be no objection to adopting the recommendation of the right hon. gentleman. He would allow "Bassetlaw" to stand in the bill, in order that it might be printed and re-committed.

Mr. *Baring* thought that no injury could arise from delay. The hon. gentleman was not prepared with his clauses.

Lord *Nugent* observed, that the House had the pledge of the right hon. gentleman's word, and more, the pledge of his character, that if the Penryn bill took another shape in the House of Lords, he would find the means of placing them in as advantageous a condition as before.

Mr. *Calvert* rose to contradict the statement that he was not prepared to bring up the clauses. He was perfectly prepared.

Mr. *S. Rice* felt as warmly in favour of his hon. friend's measure, as any member, but as they would not be placed in a worse situation, he recommended his hon. friend to allow the insertion of the clauses.

Mr. *Tennyson* persisted in the view he had taken of the subject, and charged the right hon. gentleman with knowing perfectly well that it had been determined in the cabinet, that Penryn should not be disfranchised.

Mr. *Peel* replied, that, as far as he was acquainted with the matter, no such determination had been come to by the cabinet. He was not aware that the question had ever been put as to what course the members of the cabinet should pursue. After the late decision by a majority of 97, it seemed reasonable that the hon. member for Herts should have an opportunity of shewing in what shape he would present the bill. As to the recommittal of the bill, he had no objection to allow sufficient time to enable them to become acquainted with the decision of the Lords.

The question was then put, that the preamble, as amended, stand part of the bill, and agreed to.

Mr. N. Calvert then proposed a further amendment, omitting all the latter part of the bill, and substituting a clause enacting, that the 40*s*. freeholders of the hundred of Basetlaw, should have the right of voting for members for East Retford.

This amendment was agreed to, and the House having resumed, the report was brought up, and the question put when it should be taken into further consideration.

Mr. *Tennyson* moved, that it be taken into further consideration on this day six months.

The *Speaker* remarked, that such a course was irregular in this stage.

Mr. *Tennyson* was not aware of any forms of the House which took a bill out of the hands of the member who brought it in, and being appealed to as to the day, he had naturally said, on this day six months.

The *Speaker* observed, that the Chairman of the committee had no right to appeal to the hon. gentleman for the time.

Mr. *Tennyson* admitted, that he had answered in a flippant way when he had proposed this day six months.

The Report was ordered to be taken into consideration on this day sennight.

HOUSE OF COMMONS.

Tuesday, June 3.

SMALL NOTE CURRENCY—CIRCULATION OF SCOTCH NOTES IN ENGLAND.] The *Chancellor of the Exchequer*, in rising to move for leave to bring in a bill "to restrain the Circulation of Scottish Bank-notes in England," said, that when he first gave notice of his intention to submit such a measure to the consideration of the House, he had little reason to expect that it would be necessary for him to enter into any lengthened or detailed observations. He conceived that, after what had passed in parliament, no one would dispute the absolute necessity of withholding from Scotland the privilege of circulating notes in England, when parliament had already withdrawn such privilege from bankers resident in England. That principle appeared to be so manifest, that it seemed to him only necessary to read the act which had been passed on the subject, to put the House in possession of the objects of the law which he now proposed to submit to their consideration. He had imagined that it would have been only necessary for him to read to them the act which had been passed to prevent the circulation of small notes in this country, and to state the reasons for which that act had been passed, in order to satisfy the House that the law which he was about to introduce was calculated to answer effectually the objects which that act had in view. He had, however, been given to understand, that an hon. baronet proposed to avail himself of the present occasion to bring into discussion the whole question of the small-notes circulation of the country; and that he and others meant to take that course, with the professed intention of effecting the repeal of the act of 1826, which was passed to prevent the issue of small notes after the month of April, 1829, if the restriction of the circulation of Scotch notes in England were persisted in. Now, he felt it necessary to state the motives and circumstances which induced his majesty's government to follow up that course which was originally prescribed by parliament in 1819, was confirmed by the decision of 1826, and which he trusted that the good sense of the legislature, and the firmness of the government, would fully carry into effect in 1829.

Before he proceeded further, he could not avoid adverting to the accusation which had been some time since brought against his majesty's government, because they had not thought it necessary, at the commencement of the session, to state their intention of adhering to the law of 1826. They were told, that it was a duty which they ought to have performed to the House at the earliest possible day; that they ought, the moment parliament had met, to have stated their determination not to depart from the principle of the law of 1826. On that point he differed entirely from those who made the charge. He did not think that it was at all necessary for the government to state, at the opening of every session, what the system was, to which they proposed to adhere. Looking to the state of the public business in that House, he felt that it would be inexpedient to incumber and embarrass the legislature, by stating that the government did not mean to depart from this or from that principle; and, in his opinion, the government performed their duty properly if they stated, from time to time, as convenience suited, what alterations and amendments they meant to propose in the law. And if it were necessary to act thus in the ordinary march of legislation, it was still more necessary in a case of this kind, which involved so many interests, and embraced so many matters of the most delicate consideration, and excited so much apprehension and anxiety throughout the country, both with respect to the measures to be adopted on this subject, and the results which would probably flow from them. For these reasons he was induced to think that the government would not have acted discreetly in making any profession of their intentions; but he appealed to the House whether he had not, when called upon stated, plainly and distinctly, the course which the government intended to adopt. To that course he now declared they were determined to adhere, and he hoped that the expression of that determination would tend to calm the anxiety which had been created by the proceedings and statements of the few who had shown a disposition to change the law as it now existed. Upon the subject of the act which passed in 1826, the greatest delusion and exaggeration had got abroad. There never was a case in which the facts had been more misrepresented, or more imperfectly understood; and he thought he could not do better than commence what he had to say upon this subject by a plain statement of the facts, and of the law, upon which that House was now called to exercise its judgment.

It would appear, therefore, that the course which he had to adopt with reference to the facts and the law, called upon him, in the first instance, to endeavour to ascertain the exact amount of small-notes now in circulation; in the next place, to an inquiry into the precise object and operation of the law of 1826; and lastly, to ascertain what were the means which the country possessed of supplying, by a metallic currency, that paper currency which the law passed in 1826 bound them to withdraw from the circulation of the country. It had always appeared to him, that one great defect pervaded all the laws upon the subject of the small-note circulation: he alluded to the want of any regulation for obtaining such information upon the subject of that circulation, as would render parliament aware of the quantity of notes which had been issued by the country bankers. He was satisfied that many of the evils which attended the small-note circulation arose out of the want of this information—a species of knowledge not only necessary to the government, but to the parties engaged in the business of bankers, and who circulated large quantities of notes in different parts of the country, without being aware of the extent of the issues made by others, and through which their own were materially affected. From this want of accurate information much of the evils which existed at one time in the country mainly proceeded. In making calculations upon the subject of the present amount of small notes in circulation, he had proceeded, however, in the absence of all positive information, upon data accessible to all, and upon such local information as the nature of the case allowed him to obtain. He hoped, therefore, the House would pardon him if he entered into a slight detail of the particular calculation by which he had arrived at a conclusion upon the subject of the probable number of small notes now in circulation. The law supposes, that each note brought into circulation continues in that circulation for a period of three years, at the end of which time they are not liable to be re-issued. If, therefore, a bank-note continues in circulation no longer than these three years, by a reference to the number of stamps issued for the small notes, they would be able to obtain a tolerably accurate calculation. It was found, however, that a great number of these notes, from various causes, remained in circulation for a longer period than the three years the law assigned to them; and that, taking one with another, every small note might be said to remain in circulation for the period of four years. Upon that calculation; and taking the four years, 1822, 1823, 1824, and 1825, he found that the total number of stamps issued for small notes amounted to 9,700,000*l.* Those, however, who were conversant with the business of a country banker, knew very well, that of the number of stamps thus issued for small notes, that is, notes under five pounds — a considerable proportion were not put into circulation but remained in the hands of the banker. From the best information afforded by those whose practical experience enabled them to form an accurate judgment upon the subject, it was supposed, that a fourth or a fifth part of all the notes stamped for the country bankers remained locked up in this manner, without being brought into circulation. He had preferred taking the fifth part on this occasion, because it was the most unfavourable to the opinion he had to maintain. Deducting, therefore, the amount of that fifth, thus kept out of circulation, which amounted to about 1,900,000*l.* from the total amount stamped, which was 9,700,000*l.*, there appeared to have been in circulation, in January, 1826, about 7,800,000*l.* of notes under the amount of five pounds; and that was, of course, the amount which they were supposed to have in circulation on the 5th of April, 1829, when the law of 1826 would come into operation. But from this total amount of 7,800,000*l.* they must, in the first instance, deduct the amount of notes under 5*l.*, the circulation of Scotland, which, in 1826, entered into the inquiry before a committee of that House, and which was something under 2,000,000*l.* With respect to that part of the subject, the *data* were more accurate than any they had in England, because they were furnished confidentially by the several issuers of those notes, and were laid fairly before the chairman of the committee. But from the nominal amount of 2,000,000*l.* circulating in Scotland at that period, they must deduct the proportion of those notes which, not being in circulation, were in the hands of bankers by whom notes were issued. The amount of those notes not in circulation, he reckoned at 400,000*l.* There were also to be deducted the notes of certain banks which were unstamped, leaving a balance of 1,600,000*l.* as the circulation of Scotland, and the sum to be deducted from 7,800,000*l.*, to which he had originally referred. The total number of notes, therefore, in circulation on the 1st of January, 1826, under the value of 5*l.* amounted to 6,200,000*l.* They must remember, however, that this was the number of notes in circulation, or rather stamped, previously to the alarm which prevailed in 1825 and 1826. Now it appeared from the best account that he was able to obtain, that the number of notes discredited at that period, returned to the Stamp-office to be cancelled, withdrawn from circulation, and worn out, amounted to 1,700,000*l.*; and it seemed not unreasonable to suppose that by the operation of similar causes up to the period of 1829, notes to the amount of 1,300,000*l.* might be calculated on as likely to be further withdrawn. He stated this last point not vaguely, but on good information, from which it appeared, that since the basis of the act of 1826 was laid, there had been a gradual withdrawal of the small note circulation; and that fact was borne out by another circumstance; namely, the corresponding augmentation of 5*l.* notes. The total of the sums to be deducted on account of notes withdrawn, &c., amounted to 5,650,000*l.*, which taken from the gross sum of 7,800,000*l.*, left a total issue of 2,150,000*l.* as the amount of small notes outstanding at present.—If the House would allow him, he would now state the result of a calculation founded on another basis; by which, however, he had arrived at nearly the same result. He conceived he might fairly assume, that in April, 1829, there would be no notes in circulation of a date antecedent to January, 1825. He allowed more than four years for the circulation of all these notes, although it must be perceived, that as no new notes had been issued, those old notes must have been more generally in circulation, and were, therefore, more liable to be destroyed by constant wear. The total amount of notes which had been issued between January, 1825, and February, 1826, was 3,292,081*l.* Of these there appeared to have been destroyed to the amount of 592,000*l.* by the failing of banks, by notes cancelled in the Stamp-office, 72,000*l.*; and by the withdrawal of the sum of 216,000*l.* of Scotch circulation, as it applied to Great Britain. These three items formed a reduction of 880,000*l.*, which taken from 3,292,081*l.*, left a balance of 2,412,080*l.* in circulation; now, taking these two calculations, the one, 2,150,000*l.*, the other, 2,400,000*l.* they could form a pretty accurate idea of the amount of small notes with which parliament would have to deal. If, therefore, in arguing this question, they took the whole amount at 2,500,000*l.*, he thought they would not underrate the proportion of small notes, that would be affected by the measure of 1826.

He came next to the provisions of the act of 1826; and it was of the utmost importance to draw the attention of the House to that subject; because he had observed, in the several petitions that had been presented, as well as in the various arguments that had been made use of in that House and elsewhere, the greatest ignorance, and no small degree of misrepresentation. It had been stated, that, on the 5th of April, 1829, every small note within the country was to become waste paper; and, if not paid off on the moment, the party holding the note had no redress, and could seek for payment no where. They had been told that the circulation, or negotiation, of such an instrument would bring the individual pursuing that course within the penalty of the law; and then the inconvenience which would be sustained, and the evil which must be experienced, from the withdrawal of all the small notes on a particular day, was forcibly dwelt on. Now nothing could be more contrary to the provisions of this act of parliament. The act stated, that a country banker should not, after the 5th of April, 1829, issue notes under the value of 5*l.*; but it provided that notes issued since February, 1826, might be circulated from hand to hand with the same facility as at the present moment. It only had the effect of gradually, he might say imperceptibly, cancelling these notes. The House must perceive how great a difference this mode of dealing with the small-note circulation made in the consideration of this question. He admitted that if, on a particular day, they were to withdraw the whole small-note circulation, however little it might affect the general circulation, still such a proceeding would produce great inconvenience. But when the law provided that those notes should remain in circulation so long as they endured, when the law only prevented the issue of them by the bankers into whose hands they might return, then the question bore a very different aspect.

The next point on which it was important that the House should be informed, was as to the means which the country possessed to substitute a metallic currency for that circulating medium which was about to be withdrawn. On this point he could only say, that, on an examination of the amount of gold which was available for that purpose, it was found that it far exceeded the quantity which could be calculated on as necessary to fill the place of the small notes now in circulation. No doubt whatever was entertained of the competence of these funds to supply the vacuum which would be occasioned by the withdrawal of the small notes. But as it might be said, that great difficulty would, perhaps, be experienced in the distribution of this money throughout the country, he was happy to state, that the amount of cash already withdrawn from the Bank of England, and furnished to the banking establishments throughout the country, was at the present moment such, that there could be no doubt whatever but that there was more than amply sufficient to meet demands from every quarter. In considering this question, they must bear in mind the amount of circulation with which they would have to deal. In no case could that amount be more than 2,400,000*l.* The withdrawal of notes to that amount would be slow and gradual in its operation, and the amount of gold now available was amply sufficient to meet the withdrawal of even a larger sum if necessary.

The question, then, came to this—whether it was or was not expedient to adhere to the provisions of the law of 1826? He willingly agreed with the hon. member for Callington (Mr. Attwood), that it was a question that ought to be decided on the pure ground of expediency. He admitted that to be the true ground; but when he talked of expediency, he begged to be understood as not contemplating that sort of expediency, which, for a little present ease, or immediate advantage, gave up some permanent good. The expediency to which he alluded was of a higher character. It looked to what had happened, and it consulted what was likely to come hereafter. It contemplated both the past and the future, and wisely provided for the general as well as for the particular interest of the country. On this principle of expediency he supported the present measure, which he had no doubt would operate well; because he was confident, if they were pleased to judge by the period which had passed, if they considered the danger, the apprehension, and the alarm which the country had been subjected to,—or, if they looked to the future, and in doing so called to mind the lamentable effects which the extension of a small-note circulation had produced formerly, he thought that, in either case, the general opinion would be, that the law of 1826 ought to be acted on. For his part, he was unable to understand how any of those gentlemen who supported the return to cash payments in 1819, and who then thought it advisable that the restrictions which had been imposed on payments in gold should be removed, could now advocate the indefinite continuance of a small-note circulation. It could not escape the observation of the House, that the small-note system was not introduced (although they now wished to represent that to be fact), as beneficial in itself. It was introduced to remedy an evil which then pressed on the country. It was the offspring of the Bank Restriction act. So long as those small notes continued in circulation, gold must disappear. They all knew that there was an antipathy between the one-pound note and the sovereign. They would not exist together, for the note soon drove the sovereign out of circulation. To think of returning to cash payments with an unlimited circulation of small notes was the greatest folly imaginable. They must all recollect the evils by which the years 1825 and 1826 were visited, and they had the means of judging how much the apprehension and alarm of that day were aggravated by a great issue of small notes, which the act of 1826 was framed for the purpose of checking. He did not mean to say that the issue of small notes was the only cause of the distress which then prevailed, but it added greatly to it. He did not mean to say, that the small-note circulation had not, at one period, been of some advantage; neither did he mean to assert, that the general paper circulation might not have been beneficial, situated as the country had been; but, was there any man, who, looking to general principles, and taking the result of experience and history, could doubt that a metallic circulation was essentially the interest of the country? He thought the House would be called upon that night to declare whether they would establish a great extent of small-note circulation or adhere to the law of 1826, without altering the period when it would come into operation. For his own part, he never could anticipate that a period would arrive so favourable as the present for making the experiment of a withdrawal of the small notes. If the House of Commons would now turn round and yield, it would be impossible to know at what period the House would be bold enough to enforce the withdrawal of small notes. The country was at present prepared for the system of country-banking as it was established in 1826; and he was convinced of the willingness of the country bankers to abide by that establishment. If the door were now opened for affording facilities for the increase of the circulation, the increase would naturally be proportionate to the restriction which had previously existed, and the evils that would arise from the permission of an unlimited issue of this kind were such as could not be easily calculated. It was not too much to apprehend that it would lead almost inevitably to the recurrence of that confusion and distress, that panic and alarm, from which the country had but lately recovered. Indeed, the recurrence to that system from which so much mischief had emanated, would but expose the government and legislature to the contempt and ridicule of the country.

He thought that those gentlemen who had talked so much about the great inconvenience which would result from the withdrawal of the small notes, had argued upon erroneous principles. He did not believe that it would affect the circulating medium of the country, as they supposed it would; that it would make a material alteration in the advances of the country bankers; that it would affect the improvements which were in progress in different parts of the country, or cause a diminution in rents and profits. He did not believe that these apprehensions were well founded, because, when he looked at the general circulation of the country, and saw how small a proportion the small notes bore to the whole, he was convinced that their withdrawal would not be productive of such great evils as those gentlemen supposed. To show how unimportant the proportion was, he would refer to the returns. From them it appeared, that the amount of notes of the value of *5l.* and upwards, issued by the Bank of England, was 20,000,000*l.*; the amount of similar notes issued by country bankers, was 13,000,000*l.*; the amount of notes under *5l.* issued by the country bankers, was 2,400,000*l.* The amount of sovereigns in circulation was 22,000,000*l.*; which, together, with 8,000,000*l.* of silver, gave the total amount of circulation at 65,500,000 It appeared, then, that the amount of small notes bore only the proportion of 2,500,000*l.* to a total of 65,500,000*l.*; which he was justified in regarding as a very inconsiderable one. Let the House only consider how small the proportion was; namely, 3½ per cent on the whole amount. How small, then, must be the effect of that small-note circulation upon the general circulation of the country! And this, it was likely, would be rendered less by the increase of 600,000*l.* in the issue of large notes, which was intended partly as a substitute for the diminished amount of the circulation of small notes. He admitted the force of the argument of the inconvenience that might arise from the withdrawal of small notes from certain districts in which labourers' wages were paid in one and two pound notes. It was contended, that in such districts the greatest distress would prevail; but it would be a great consolation for those who complained of this inconvenience to know that both in reference to periods anterior to the present, and still more in reference to the present, there were ample means of circulation to remedy any apprehended evils of this description. He would refer to four different periods, to show what had been the state of the circulation in those periods of four years each. From the year 1810 to 1814, there were then 4,000,000 of guineas in circulation; which, though considered to be in circulation, yet it was well known that a considerable portion of that number was hoarded up. These guineas were subsequently exchanged for sovereigns. Besides these 4,000,000 guineas, there were then 7,300,000*l.* of one-pound notes issued by the bank of England; there were also 10,700,000*l.* of one-pound notes issued by country banks, which, together with 7,000,000*l.* of silver, including bank tokens, gave a total of small circulation of 29,000,000*l.* Taking the second period from 1814 to 1818, the total amount of circulation was 29,200,000*l.* The next period from 1818 to 1821, was 25,400,000*l.* And taking, lastly, the present period, it would appear that there were 22,000,000 of sovereigns in circulation; which, together with 8,000,000*l.* of silver, gave a total of 30,000,000*l.* as the means of small circulation for the exigencies of the country. It would appear, then, that our means in this respect exceeded at the present period what they had been at any former one. If, then, our minor circulation now was greater than it had been at a time at which taxation had been at the highest rate, and at which the commerce of the country and its position were such as to require all possible facilities of circulation, there was not, in his opinion, any reasonable ground of apprehension, that the amount now at our command would be found insufficient for our present exigencies. If then, 30,000,000*l.* of circulation of this description would meet every reasonable demand, on a fair comparison of the present period with anterior ones, he did not think there was much dread of our experiencing the evils which some persons anticipated, from the withdrawal of the one-pound notes from circulation.

It had been said, that an adherence to the law of 1826 would greatly diminish the power and the profits of the country bankers. He knew that the withdrawal of the notes would diminish the profits of those who issued them; but then the gentlemen who issued them had constantly declared, that the profit which they derived from the issue of small notes was very inconsiderable, when compared with the rest of their circulation.—An adherence to the law, therefore, would only diminish profits which the parties themselves had declared to be inconsiderable. As to its diminishing the power of the country banker, he would contend that the law would ultimately increase that power, because it increased his protection. The country banker would no longer be liable to the demands of those holding small notes; and if he was right in supposing that, in proportion as the banker was secure, in the same proportion he would be liberal, then he might very fairly say, that if the system were continued it would render the banker at once more able and more willing to make those advances which it was feared he would withhold. But he thought that the one-pound note circulation, which was so necessary in certain places, had been carried much too far. Let them look at Lancashire, for instance, where there was no issue of one-pound notes, and yet every gentleman acquainted with that part of the country must know to how great an extent manufactures were carried on there, and that there was there as great a disposition to make these cash payments as in any other part of the country.

From these considerations, he was induced, not only to press upon the House, the propriety of granting him the permission to bring in a bill which he should conclude by moving for, but also to resist the motion which the hon. baronet was about to make. He knew how captivating motions for inquiry were; and he knew, also, that the hon. baronet was dextrous enough to see, that by a proposition for inquiry he might have some chance of gaining an acquiescence in that which would not be granted to him if he were to move at once for the repeal of the act of 1826. At the same time, however, the hon. baronet was candid enough to admit, that those who should vote with him would be pledged to consider this question. If the hon. baronet should succeed, much harm would result therefrom, because it would give birth to an impression in the country, that the one-pound note circulation was to be made the general circulation of the country. He could not help thinking, that the creation of such an impression would be a great evil; and he trusted that the House would, by their decision that night, show that they meant to adhere to the law of 1826, and complete a system which, ever since the year 1819, they had, with a few variations, which the circumstances of the times rendered necessary, constantly adopted. He thought that in England, Scotch one-pound notes ought to be prohibited; and to effect that prohibition was the object of the bill. The circulation of such notes he meant to exclude by a fine. The right hon. gentleman then moved, for leave to bring in a bill to restrain the negotiation of Scotch and Irish notes, under a certain amount, in England.

Sir *James Graham* said, that he always rose in that House with considerable embarrasment, and on this occasion he felt greater embarrassment than usual, when he recollected the magnitude and the difficulty of the subject with which he had to deal. The dryness of the details, and the necessity of perpetual references to written documents, made him fear that he should not succeed in engaging their attention; but he would endeavour to deserve it by not wearying them unnecessarily either with the one or the other. The difficulties which must, at any time, attach to this subject, had been materially increased by the course which the right hon. gentleman had adopted; a course which, he must say, he thought rather unfair. The notice of the motion of the right hon. gentleman on the paper was, for leave to bring in a bill to prevent the circulation of Scotch notes within the limits of England; but he would appeal to the House, whether any portion of the right hon. gentleman's speech related to such a bill, except that portion which fell from him just as he was sitting down. The whole of the right hon. gentleman's speech was rather a reply to a speech which he anticipated from him, than a speech upon the motion which the right hon. gentleman had given notice of; and it rather regarded the anomaly of a paper currency, which was the greater question, than the minor subject which was now before them.

Before he enforced the motion which he had to make, by those arguments which he hoped would be conclusive with the House, he would first apply himself to what had fallen from the right hon. gentleman. The right hon. gentleman had said, that they who voted for cash payments in 1819, must, if they were consistent, vote against his (sir J. Graham's) motion. Now, he had the honour of a seat in that House in 1819, and, moreover, he had voted in favour of the measure which was then brought forward. He did then yield to a doctrine, which experience and subsequent consideration had proved to him to be the most palpable folly that ever had been palmed upon that House as sound and wise policy. He was deceived by a very high authority; he meant the late Mr. Ricardo, who stated, that the whole difference of the standard value would be the difference between the value estimated by the Mint and the gold price—a difference of 5 per cent. Misled by this authority, he did, on that occasion, unhappily, vote in favour of the bill; and he was, therefore, perfectly ready to admit, that he was now liable to the charge of inconsistency. He thought that many of the right hon. gentleman's statements were founded in error; but they were of a very detailed nature, both as regarded the notes and the gross amount of the circulation, and he should not follow the right hon. gentleman through them. A committee, and not that House, was the proper place in which to prove their correctness; and before a committee he challenged the right hon. gentleman to produce them. He should not go into a committee, if it were granted, with his mind made up. With a bias he certainly should go, but he should be open to conviction; and if the right hon. gentleman could substantiate, in a committee, what he had that night said, he would agree with him.

The fact that they had 22,000,000 of sovereigns in circulation in this country at the present time, did certainly surprise him. That amount was much greater than he had thought it possibly could be. But the right hon. gentleman, though he might know that sovereigns to that amount had been issued, could not tell how many had gone abroad—how many had been melted down. The right hon. gentleman had no right to suppose that all that had been issued were in actual circulation. The right hon. gentleman had laid much stress upon the supposition, that the rush for the payment of the small-notes would not be simultaneous; but he could hardly tell why — for he thought that the right hon. gentleman would concede to him, that no country banker of ordinary prudence would be unprepared to pay in specie, on the 5th of April 1829, the demands that might be made upon him. If, therefore, all the claimants did not come, all the bankers must be prepared to receive them; and therefore, as to the contraction of the gross amount of money, it did not matter whether the run was by the customers of the country bankers on the country banks, or by the country bankers on the Bank of England; for in either case the contraction must come. As to what the right hon. gentleman had said with respect to Lancashire, he believed there were several banks in that part of the country. More than this, there was another species of currency, the most unsafe, unsound, and unstable. He meant that species of currency which was formed by small bills of Exchange at short dates, drawn by persons without capital on persons equally destitute of capital.

He should now apply himself to the particular measure before the House—the motion for leave to bring in a bill to prohibit the circulation of the one-pound notes of Scotland in England. First of all, he thought such a measure unnecessary; and he said so positively, because he was supported by testimony and authority which the right hon. gentleman would not doubt. That testimony and authority would be found in a passage from the report of the committee of 1826. The passage was this—

"That while Scotland had a paper currency for the discharge of all sums above 20*s.*, England had, at least for twenty years previously to the Bank restriction, a currency consisting of the precious metals, to the exclusion, by law, of notes below 5*l.* That those different systems co-existed, and that no proof can be adduced that the paper circulation of Scotland displaced or interfered in any material degree with the metallic currency of England."

He would contend, that these words proved the measure to be unnecessary; and besides this, it was evidently a premature, a theoretical, remedy, for an evil which was not yet in existence, and which, if past experience could be depended on, never would exist. Again, he thought that the measure was impolitic. The districts on which it would bear most heavily were those adjacent to Scotland. He was connected with one of those districts, from which he had presented a petition signed by people of all classes, who never agreed, probably, on any other subject of a political nature, but who now came forward as one man, and declared, that no greater inconvenience could befall them than the introduction of such a measure as that proposed by the right hon. gentleman. For seventy years they had possessed the advantage which it was now sought to deprive them of—the advantage of the Scotch currency. Seven-eighths of the rents of the estates which he possessed had been paid in the paper currency of Scotland, and no loss had been sustained, in that district, in consequence of failures of persons issuing this currency. This general diffusion of Scotch currency had also weakened the banks in the neighbourhood. They had no bankers like the Scotch bankers. They could find no twenty-five men who would associate themselves together as partners—all being responsible for the claims upon them. And yet, for a theoretical evil, they were asked to pass a measure which would produce these fatal consequences.

But the measure was also anomalous. The right hon. gentleman had said, that there was a natural antipathy between a one-pound note and a sovereign—that they would not circulate together; and yet his majesty's ministers had determined that, on the one side of a line which he could positively jump over, paper should circulate; and that, on the other, gold alone, to the exclusion of paper, should form the circulation. Now, was there any thing more anomalous than this ever proposed by any set of ministers? And here, again, he must refer to the report of the committee of 1826. In that report the following passages occurred:—

"That, coincident with the present system of currency, if not immediately owing to its effects, there has been a great and progressive increase in the manufactures, agriculture, commerce, population, and general wealth, of the country. Your committee are certainly not convinced that it is the suppression of one-pound notes that would affect the cash credits to the extent apprehended; but they are unwilling, without stronger proof of necessity, to run the risk of deranging, from any cause whatever, a system admirably calculated, in their opinion, to economize the use of capital, to excite and cherish a spirit of useful enterprise, and even to promote the moral habits of the people, by the direct inducements which it holds out, to the maintenance of a character for industry, integrity, and prudence."

Where was the panic, the distress, the danger, the alarm, of which the right hon. gentleman, had spoken? He would go on the words of the right hon. gentleman, and say, that it was right to inquire if the one-pound notes in England were not the foundation of the interests of small deposits to the poor man. This certainly was a subject well worthy the inquiry of that House; for, suppose it to be otherwise than he believed it to be, it could not be productive of two different results. For his position he had the authority of lord Liverpool and lord Goderich. In their Letter to the Bank of England, in 1826, they stated, "that though a recurrence to a gold circulation in the country, for the reasons already stated, might be productive of some good, it would by no means go to the root of the evil." And then they went on to argue to the point. Among other things they said, "the failures which have occurred in England, unaccompanied as they have been by the same occurrences in Scotland, tend to prove, that there must have been an unsolid and delusive system in one part of Great Britain, and a solid and substantial one in the other." Again—"In Scotland, there are not more than thirty banks, and these banks have stood firm amidst all the convulsions in the money-market in England, and amidst all the distresses to which the manufacturing and agricultural interests in Scotland, as well as in England, have occasionally been subject. The effect of the law at present is, to permit every description of banking, except that which is solid and secure." He contended, therefore, that he had absolutely the authority of the right hon. gentleman for asserting, that the vice was not in the currency, but in the system of banking; and if this was the case, why not, instead of destroying the currency, try if the system of banking—the system under which it was distributed—could not be amended? To him it seemed just as absurd to contend that the currency should be given up because the system of working it was objectionable, as it would be for the right hon. gentleman opposite, in consequence of the late Report of the Commissioners upon the State of the Supply of Water to the Metropolis, to bring in a bill preventing water altogether from being drawn from the Thames, instead of first ascertaining whether a better supply could be procured from any other quarter. He would very briefly, however, endeavour to trace the effect of the various resolutions and attempts which had been made to put down this small-note currency. At first it had been fixed that it should be concluded at the close of the war. The Bank of England accordingly, and the country banks, in the year 1815, had contracted their issues to prepare for the approaching change. What was the result? The price of wheat, which in 1813 had been 107*s*., had rapidly dropped down to 64*s*.; the bankruptcies had increased enormously; in 1814 they were only one thousand, and in 1816 they amounted to two thousand, three hundred; distress had pervaded the country from one extremity to the other; government eventually had relinquished the rigour of its principle, and postponed the payment of the one-pound notes to a more distant period; and the effect was, that prices got up again, and a season of prosperity ensued. This was the end, then, of the first speculation. He now came to the second—the resolution of the committee of 1819. Under this second project, the change was announced to take place in 1825. After that time no one-pound notes were to be current in Great Britain or Ireland. Again, the Bank of England and the country banks had contracted their discounts to meet the alteration, and again distress had appeared. In 1822, wheat had got down to 42*s*.—lower, absolutely, than at any period since the Revolution. What had been the conduct of the minister of that day? The marquis of Londonderry, with a statesman-like courage and decision, had met the evil upon its real merits. He had not treated it as an effect of fluctuation of prices, of want of means of consumption, or of superabundant harvests. The noble marquis had said plainly and directly—"This is a question of currency. The currency of the country is too contracted for its wants, and our business is to apply a remedy." He had then forced an addition to the circulation of 4,000,000*l*. upon Exchequer bills, in the shape of an advance from the Bank to the government, and had postponed the operation of the Small-note Repeal Bill from 1825 to 1833; and again, as before, in the year 1826, the price of wheat had risen to 68*s*., and comparative prosperity had ensued, and it would be observed, that the marquis of Londonderry had postponed the operation of the Small-note bill to the year 1833. Why had he chosen that particular period? Why, because that was the year in which the Bank Charter terminated; and the noble marquis's opinion was, that it was right that the two questions of the Currency and the Charter should come on together, in order that no existing arrangements might prejudice the discussion of the general subject, or cramp those changes which the wisdom of parliament might deem necessary. Then he had the authority of the hon. member for Callington (Mr. Baring), who had warned the House, in the year 1819, of the error into which it was falling, and who had not been misled, as he (sir J. Graham) had, in common with many other persons, been, by the fallacious argument of the late Mr. Ricardo, that the measure proposed would only enhance the value of money something less than 6 per cent; he had the authority of that hon. member's caution to the House in 1819, for stating, that the change must necessarily increase the value of money more than 25 per cent. He had even more than this: he had the hon. gentleman's declaration, made upon full consideration but a few nights back, that the change produced was actually 30 per cent. He fully agreed with the hon. gentleman as to this result: indeed, he was himself in possession of facts which placed it beyond doubt. He had been acquainted with a gentleman in the north of England, who died in 1812, leaving his landed property to be divided between two sons; the eldest son, who was a country banker, had the estate valued, and bought the share of his younger brother, so coming into possession of the whole property himself. The younger brother, as it happened, did not invest the produce of this sale, or his part, until some time after it took place; and, in the year 1823, he actually bought with the money which he had received for his half of his father's estate an estate immediately adjoining, which produced a rental nearly equal to the whole rental of his elder brother. This was by no means a singular case. Indeed it would be easy to multiply instances of the same description. He took it to be indisputable, that the value of money in any country must always rise or fall in an inverse ratio to the quantity of it. The quantity of commodities remaining the same, if there was an increase in the quantity of money prices must rise, and if the quantity decreased, a fall would as certainly be the consequence. Whether the quantity of money was decreased, or the supply of commodities increased in the country, the effect upon prices was the same. Therefore the House would perceive that it was just the same thing to the landed interest, whether the quantity of money in the country was contracted, or the ports thrown open to foreign importation. There could be no question about this fact; and, moreover, it was perfectly well understood and calculated upon, by those who had framed the corn resolutions of the present year. Those hon. gentlemen knew that, looking to the present standard of money, it was impossible that the average price of corn could keep much higher in the country than it had done prior to the commencement of the French war. This supposition would keep it fluctuating between 50*s.* and 60*s.*; between which prices the duty on importation was fixed lower than it had been by the resolutions of last year. It was true that the protection above 60*s.* was something higher; but there was no chance that wheat would bear an average of 60*s.*; and of that he believed the parties who framed the resolutions were perfectly aware.

He would now, however, come to a few particulars, by which he should be able to shew the House, that in practice it was the amount of money circulating in the country which regulated and controlled the price of grain. From 1810 to 1818, the amount of the currency in circulation by the country banks had been 21,000,000*l.* During the greater part of those years, the ports had been virtually open to foreign importation, and the average price of wheat was 92*s.* 4*d.* a quarter. From 1819 to 1827, the country-note currency was diminished to about 10,700,000*l.*, and, what was the price of wheat? Though in those years the ports had been hermetically sealed, the average maintained was only 57*s.* 10*d.* And the heavy affliction was this—a part of our public debt had been contracted during these fluctuations in the amount, and consequent value of the currency; and the result was, that where we had borrowed the price of eight or nine bushels of wheat, we were paying back the price of twelve or thirteen. And he was glad to see the right hon. member for Liverpool (Mr. Huskisson) in his place; because he wished to call upon the right hon. gentleman for an explanation of the striking discrepancies between the opinions which he had delivered in 1815, and those which he professed at present. He could not help remembering that in a speech made in answer to a proposition by his late noble friend the member for Lanarkshire, the right hon. gentleman had laid down principles which were at variance with the whole course of policy which he was now pursuing. For instance, in speaking of a return to the scale of prices, in corn and other commodities, which had existed before the war, the right hon. gentleman said,

"To think that things could return to what they were before the war, was one of the most dangerous errors that could be entertained. Our whole establishment, before the war, amounted only to 16,000,000*l.*; our peace establishment now, must entail on us a burthen nearer 60 than 50,000,000*l.* When gentlemen talked of the increased price of bread, was not every thing raised in proportion; and that, not in consequence of the high price of bread, but of the amount of taxation? It is impossible for the country to return to the prices before the war. It had been said, that the remedy was to lower rents; but the proportion of the gross produce of the land which now came to the landlord however represented in money, is now less than it was in 1792. Previous to the war, a farmer considered himself requited if he made three rents; now, it is necessary to make five rents, or he would not be able to go on; even if the whole rental of the country were remitted, it would be impossible to return to the prices before the war. He was not afraid to declare, that the people must not expect, be the law what it might, that with our burthens, the price of bread can ever be less than double what it was before the war."

Then it appeared clearly, according to this reference, that the right hon. gentleman had performed a miracle. He had done that which he had declared to be impossible; for he had not only contrived to reduce corn to the standard that it maintained before the war, but, in the year 1822, he had actually managed to bring it down to 43*s*.—lower than it had ever been at any period since the Revolution. These miracles were produced by a very simple cabalistic process,—merely by the system of tampering with the currency; but from that system the landowner was the first who was sure to suffer. The value of money was heavily increased, while all contracts remained fixed to their nominal amount. The change bore down the amount of the landowner's receipt for his produce, while all the fixed charges and incumbrances on his property were increased. He was bound to pay in a currency 30 per cent. higher in value than that in which he had borrowed, and the consequence was, that he must retrench, abandon the hospitality and liberality of his ancestors, live like a niggard and a degraded man, and squeeze his tenants like an oppressor; or the monied man, in five years, walked in and took possession of his estate. The error was in the system, We had attempted a change that we could not bear, and we should be compelled to abandon it. The case was not a new one. The same course had been tried in France in the reign of Louis 14th. In that day, the value of the currency of France had become depreciated 27 per cent. An attempt had been made to restore it to its former level; and the thing had been found impossible. The burden of the change was so great, that it was found impossible to bear it; and the result had been a continued reduction of the standard of value. It was not upon the landowners alone that these changes, or attempted changes, pressed. The landowner felt the evil first; but all classes of the community came in, in due time, for their equal share. The alteration was to be found in the diminished consumption of all those articles into which taxation entered materially. The use of malt-liquors, tobacco, all the exciseable articles, which were consumed by the poorer classes, had either actually decreased since the war, or had not gone on increasing at the same rate with the increase of population. This was the inevitable consequence of such a change in the value of money, as virtually increased the amount of taxation: the commodities, of which a large portion of the price consisted of government duty, became practically, so much dearer,—for the amount of duty levied was so much higher than it was before; and the consequence was, that their consumption was abated. The price of bread might be controlled or influenced by other circumstances, but no circumstance could cheapen those articles, the dearness of which arose out of an increased taxation; and the immediate effect of this state of things was materially to lower the comforts and the general condition of the labouring classes of the community. He challenged contradiction as to the operation of this fact. The country at this moment was in reality more heavily taxed than it had been during the severest periods of the war. This was shown in an instant. In 1813, the taxation of the country had been 81,400,000*l.* This was in a currency, let it be observed, depreciated nearly 36 per cent. The present amount of taxation was 54,000,000*l.* But let the depreciation of 36 per cent. be taken off the 81,400,000*l.*, and the residue was only 52,000,000*l.* So that in money of equal value, the taxation of the present day was 2,000.000*l.* more than that of the year 1813. Perhaps the House might suppose that he was here producing some slight theories of his own. Any such belief would be a complete error. For all that he had advanced, he had the authority of the highest names in the country. Indeed, there was one passage from Locke so directly bearing upon this theory and the general state of affairs at present, that he was sure he should stand excused if he referred to it. Mr. Locke said, speaking of the evils attendant upon a diminished or diminishing amount of currency—

"The exigencies and uses of money not lessening with its quantity, and it being in the same proportion to be employed and distributed still, so much as its quantity is lessened, so much must the share of every one who has a right to this money be the less, whether he be landholder for his goods, or labourer for his hire, or merchant for his brokerage. The landholder usually finds it first, because money failing and falling short, people have not so much money as formerly to lay out, and so less money is brought to market, by which the price of things must necessarily fall. The labourer feels it next, for when the landholder's rent falls, he must either bate the labourer's wages, or not employ, or not pay him. The merchant feels it last, and will be sure to leave our native commodities unbought on the hands of the farmer or manufacturer. People not perceiving the money to be gone, are apt to be jealous one of another; and each suspecting another's inequality of gain to rob him of his share, every one will be employing his skill and power the best he can, to retrieve it again, and to bring money into his pocket in the same plenty as formerly. But this is but scrambling among ourselves, and helps no more against our wants than the putting on a short coverlet will, amongst children that lie together, preserve them all from cold. Some will starve, unless the father of the family provide better, and enlarge the scanty covering. This pulling and contest is usually between the landed man and the merchant, with whom I join the monied man. The landed man finds himself aggrieved by the falling of his rents and the straitening of his fortune, while the monied man keeps up his gain, and the merchant thrives and grows rich by trade. These, he thinks, steal his income into their pockets, build their fortunes on his ruin, and engross more of the riches of the nation than comes to their share. He therefore endeavours by laws to keep up the value of land, which he suspects lessened by the other's excess of profit; but all in vain, the cause is mistaken, and the remedy too. It is not the monied man's gains that makes land fall, but the want of money, and lessening of our treasure, wasted by extravagant expenses and a mismanaged trade, which the land always is the first to feel."

He would put it to the sense of the House, whether these observations did not appear to be written especially for the existing condition of affairs. But it was not upon Locke alone that he rested for the support of the principles which he was advancing. The hon. member for Callington (Mr. Baring) when he had been examined before the bullion committee, and when, if his advice had been attended to, many of the evils which had since fallen on the country would have been avoided, had said,—"The reduction of paper would produce all those effects which arise from the reduction in the amount of money in any country,—an effect, which, I think, is well described in Mr. Hume's 'Essay on Money.' The consequences of the contraction or expansion of the amount of money in a country seem more felt during the progress of such contraction and expansion than from any positive amount of money at any one given period. It is not, in my opinion, of great importance what amount of money may exist in any country; but the question, whether it is on the increase or decrease, is one of great importance to every branch of its industry."

Now, what was the opinion of Hume, quoted by the hon. member for Callington upon this point? He was sorry to trouble the House so far; but he did believe that all the evils we endured arose from a contraction of the circulating medium; and if this cause could only be ascertained and agreed on, there were hopes that it might be got rid of. Hume's words were these:—"The good policy of the magistrates consists only in keeping money, if possible, still increasing; because, by that means he keeps alive a spirit of industry in the nation, and increases the stock of labour, in which consists all real power and riches.

"A nation, whose money decreases, is actually weaker and more miserable than another nation which possesses no more money, but is on the increasing hand. The alterations in the quantity of money are not immediately attended with proportionable alterations in the price of commodities: there is always an interval before matters be adjusted to their new situation; and this interval is as pernicious to industry when money is diminishing, as it is advantageous when it is increasing. The workman has not the same employment from the manufacturer, though he pays the same price for every thing in the market. The farmer cannot dispose of his corn and cattle, though he must pay the same rent to his landlord. The poverty, beggary, and sloth, which must ensue, are easily foreseen. But, in every kingdom, into which money flows with greater abundance than formerly, every thing takes a new face; the merchant becomes more enterprising, the manufacturer more diligent and skilful, and even the farmer follows the plough with more alacrity and attention."

This view showed, that a decrease in the quantity of money in any country was the first step in the high road of ruin to that country. But upon the question of the one-pound notes, it was not necessary for him to go so far for authorities; for, as to the effect to be expected from their reduction, he had the admission of the right hon. gentleman opposite (Mr. Peel). The admission had been given somewhat unguardedly, perhaps, but it was as complete as any admission could be, and amounted to a full exposition of the opinions of the right hon. gentleman. For when the hon. member for Kent had spoken, a few evenings since, upon the possible pressure of a repeal of the one-pound note system upon the scales of the corn duties,—anticipating, that that repeal would diminish the extent of protection to the land-owner,—the right hon. gentleman had replied directly "that the case was directly the reverse; that the calling in of the one-pound notes would increase the value of money, and consequently increase the amount of those duties out of which the protection was derived." Therefore, he thought all question as to the consciousness of the right hon. gentlemen opposite, of the effect of their measures must be at an end: here the necessary result, and the object, were directly avowed.

But it was not merely that the amount of our circulating medium would be diminished by the measure proposed, but that that diminution would be effected precisely in the way to produce the most mischief. Small money, it was well known, circulated faster than large. The amount of convenience lost by the suppression of the particular currency of the one-pound notes, doubled the loss that the absence of so much money inflicted upon the community. If the country bankers even were to continue to issue the same amount of money in five-pound notes, which they had been used to issue in notes of one-pound, still the benefit to the public would be incomparably lessened. The whole value of a currency lay in its convenience for circulation: the five-pound notes were not convenient for circulation: in fact, in place of the one-pound notes it was impossible they could be employed; they would not answer the purpose. Then it was well known that the five-pound notes could not stay out. The one-pound notes produced a far greater profit to the banker; and that profit enabled him to be more liberal, as well in his discounts as in his allowances to the parties who deposited cash with him. He now came, however, to the reasons assigned for the proposed suppression of the one-pound notes. The evils which were to be cured by the suppression of these notes, were two, the danger of panics, and the risk of over-issues. Now, with respect to the over-issues, all the authorities upon the currency subject up to the year 1826—Mr. Horner, the bullion committee, the right hon. Secretary (Mr. Peel) and sir Francis Baring, all these authorities assumed it as a principle, that the law of convertibility, under a judicious system of banking arrangement, was a perfect security against the danger of over-issues. The opinion contrary to this doctrine, it would be recollected, was only the opinion of the cabinet. It had never been announced to the public in any way, but in the well-known letter of lord Liverpool to the Bank of England. The House of Commons had never yet pronounced any decision upon the subject; and certainly he did not ask too much, when he said that, before they did pronounce any opinion, they ought most cautiously to examine it. So much for the risk of over-issues: now for the second danger, that of panic: and on this point he would set out by asking one slight question. How happened it, since one-pound notes produced panics, that panics were unknown in Scotland? Scotland was full of small paper currency; and yet such a thing as a run upon a Scotch bank was unknown. For sixty years the one-pound notes had been issued, and yet, in no instance, had a panic ever been produced. But a more singular fact still than this was, that the most formidable panic that had ever been known in England, that of 1793, had occurred at a time when the country had a metallic currency. Professor Playfair's account of that panic was calculated to throw light upon the causes of such alarms in general, and on the means by which they might be avoided: and it would be seen, that the causes to which he ascribed the occurrence of panics, were by no means peculiarly such as should arise out of a system of paper currency;—

"One great evil" says the Professor, "to which the Bank has constantly been subjected, arises from the gold coin being of too much intrinsic value. It has frequently happened, owing to the variations that take place between the proportional prices of gold and silver, that a guinea has been of more value when melted down, or carried abroad, where it might pass at its bullion price, than here in England, where the value can never alter. On such occasions a demand for guineas has been made upon the Bank, where alone they could be procured in any quantity; such a demand for guineas has nothing to do with the credit of the Bank or of the country; it is a mere speculation to gain the difference between coined gold and the gold in the ingot. But though those runs on the bank had no connexion with its credit in the first instance, and did not arise from any want of confidence, yet the effect was, in appearance and in reality, the same. In 1793, in the months of March, April, and May, a demand for guineas arose in this manner:—They had been worth 27 livres in silver, or 22*s.* 6*d.* at Paris. The Bank, alarmed at this demand, which would have drained all the guineas away, diminished the circulation of its notes. This was a speedy remedy for the company, but a terrible one for the commerce of the country. When the Bank of England diminished its discounts, all the banking-houses in London on which the country bankers draw, sent down orders not to go to the usual amount; the panic became general, and as a true or false alarm of fire are the same in effect for the first instant, this country, in which wealth had a few months before been more abundant than ever, without any real misfortune, without any real diminution of its real property, was involved in the deepest distress. Above seventy private bankers stopped, and the total number of bankruptcies in the year amounted to one thousand three hundred. The evil was going on with rapid strides, when ministers very wisely stepped forward, and by creating 5,000,000*l.* of Exchequer bills, the Bank was enabled to lend money to such merchants and manufacturers as had sufficient security to give. The good effects of this measure were so soon felt, that only 3,500,000*l.* of the money was ever demanded. Some that was demanded was not wanted, and a part of what was obtained was returned in a few weeks. This novel and successful experiment, which necessity suggested, saved many thousands of people in trade, restored credit, and government was repaid the whole with some little profit."

The minister who had adopted this wise measure was Mr. Pitt; but the fact of the alarm was the circumstance to which he wished to direct the attention of the House. Here was a panic, not produced by paper, but arising in the time of a metallic circulation;—proceeding, it appeared, too, from the quality of that very metallic circulation, and from a fault in it to which our present metallic medium was subject; namely, that it was too valuable to remain in the country, except by the deduction of a seignorage. And another fact too, rather curious, was, these one-pound notes were to be put down, as being the cause which led to panics: it was both in 1793 and in 1825 the one-pound notes had been resorted to, to check the panics; and they had accomplished that end, after other means had failed. In 1825, when the run had drained the very coffers of the Bank, on the fifth day recourse was had, (under advice) to a supply of old one-pound notes; the issue of those notes checked the rush for money, and a better state of things ensued. But, to go farther still than this, he believed it might be shown to demonstration, that so far from any risk of panic arising out of the continuance in circulation of the small notes, such a result was very likely to proceed from the execution of the measure which was to withdraw them. It must be recollected, that the suppression of these notes must be prepared by the parties on whose responsibility they were issued. If he took the amount of the issues of the country banks in one-pound notes at 8,000*l.* each, it would amount to 4,800,000*l.* To this were also to be added the amount of deposits for which they would have to provide gold. These, which he took at the average of 5,000*l.* each bank, would not be less than 3,000,000*l.*, all of which the country banks would have to pay before April next. Here, then, was a diminution of the circulation to an amount exceeding 7,000,000*l.* For the supply of this deficiency the country would have to depend upon the Bank of England; and thus the twenty-four gentlemen who managed that establishment would be the arbiters of the prosperity of the country, as far as it depended on a proper supply of the circulating medium; for if they did not re-issue the notes paid in, by a purchase of Exchequer bills, or on discounts, they had the power to contract the currency to that amount.

There were also certain contingencies to be taken into consideration. Suppose there should be a bad harvest. It was admitted that there was in the country not more than would afford a short supply. How was this to be made good but by a sudden importation of corn from abroad; and how could that be met but by a corresponding exportation of gold from this country? Here, then, would the want of a currency be felt; and what was certain on the one hand would be uncertain on the other; for the intended limitation of the small-paper currency would prevent the re-issue of the notes, and this would bring about such a difficulty as was felt in 1825: the only difference being, that the one case was a domestic demand for gold, the other would be a foreign, but the results would be the same. He had mentioned many circumstances which would show the necessity of inquiry,—not a blind inquiry into which he would go with his mind already made up, as the right hon. gentleman seemed to suppose, but a careful investigation of all the probable effects of the great change which was about to be made in our currency. Common sense would dictate, that before they embarked in any important undertaking, they should examine what would be its probable effect, and what were their means of meeting the difficulties opposed to its operation. Another subject of the inquiry which he proposed, would be, what was the nature of the pressure on the country, and how they were to meet it? They would also have to consider, whether an increased issue might not be made by the government,—whether they might not adopt the plan practised at Hamburgh and Amsterdam, of issuing notes on metallic deposits?—whether the issues might not be under the superintendence of an officer of the Crown? Then would also arise the question of the contract with the Bank of England,—then the question of seignorage, and whether they might not have finer gold without any seignorage upon it. In fact, there were seven or eight heads of inquiry, all of them important, and all requiring close investigation, before this measure was proceeded with. It might be said, that the present period of the session was too late for an investigation into these important topics; but the lateness of the period was no reason why a measure of this consequence should be adopted without inquiry; particularly as the result of the investigation, as far as it had gone with respect to Scotland and Ireland, showed clearly that the proposed measure was injurious. If, then, they found, as far as they had inquired, that the proposed system would be injurious to certain parts of the empire, why should they apply it without inquiry as to the remaining and most important part? He did not see why, at the end of the present session, they might not, if they had evidence to support them, suspend the operation of the act until the close of the next, before which they would have time to go into a more full investigation of the subject.

In what he had said, he begged not to be understood as being enamoured of a paper currency; but, was it not foolish in the extreme, because the paper system wanted regulation, to abolish it at once, and without inquiry, as to the probable results of its abolition? It would be just as foolish to dash a watch to pieces because it required regulation. The paper currency was one of the great wheels of our system, and if it worked on smoothly and without jerks, it was a most important one, for it was cheaper and better, and more easily managed. Paper, convertible into gold on demand, was, beyond a doubt, preferable to any other. It was more plastic, and could be more easily applied to all our purposes of commerce. He would go farther, and say of paper currency what was said in the *Inferno* of Dante, to be inscribed over the gates of hell, "who enters here leaves hope behind." They had commenced, and gone on with the paper system too far to recede. The debt had been, for the greater part, contracted in paper, and must be paid in paper. It was impossible to think of taking any other course with effect. It was, he admitted, an evil to a certain extent; but, as had been well observed by Mr. Fox, "he took an unsound view of a question, who talked of an abstract remedy for an evil without a mixture of evil; but he talked rationally who, in considering a remedy, looked, not for a total absence of evil, but for that in which it existed in the lowest degree." He repeated, that, with such a debt as this country had, it was impossible to go on without a paper currency; under certain regulations he would admit; but certainly a small-paper currency—unless indeed they were prepared to take a bolder step, and enter upon a revision of the standard of value itself. He was unwilling to say anything in the way of intimidation to the House; but, in his view of the question, he could not avoid calling their attention to what had occurred in France, and what had been, in a great degree, the cause of the French revolution. Before that, the debt of France was so enormous that the excess of taxation had become intolerable to the people. In this state, Neckar advised the introduction of a paper currency, but it was powerfully resisted by Mirabeau. What was the result? Taxation went on; the debt increased until the weight could no longer be borne; the monarch was brought to the block, and the chief of the nobility were butchered or banished. Then the floodgates of a paper-currency were opened, and he who before was the strenuous opponent of paper, now paid the national debt with assignats, which were so multiplied that at last not a shadow of value remained. While upon this part of the subject he would read another extract from Hume, whose predictions on the subject of our currency had been verified, more than those of any other man. Speaking of the effect of an enormous debt he said,—

"Our popular government, perhaps, will render it difficult or dangerous for a minister to venture on so desperate an expedient as that of a voluntary bankruptcy; and though the House of Lords be altogether composed of proprietors of land, and the House of Commons chiefly, and consequently neither of them can be supposed to have great property in the funds, yet the connexions of the members may be so great with the proprietors as to render them more tenacious of public faith than prudence, policy, or even justice, strictly speaking, requires." And here followed a passage respecting our foreign relations, which he thought was worthy of particular attention,—"And perhaps, too, our foreign enemies may be so politic as to discover that our safety lies in despair, and may not therefore show the danger open and barefaced till it be inevitable. The balance of power in Europe, our forefathers and we, have deemed too unequal to be preserved without our attention and assistance; but our children, weary of the struggle and fettered by incumbrances, may sit down secure and see their neighbours oppressed and conquered till at last they themselves and their creditors lie both at the mercy of some foreign conqueror."

This prediction, he hoped, would never be realised; but the events to which it referred were worthy of being borne in mind. The hon. baronet then moved, as an amendment, "That all the words after the word 'that' be omitted from the original motion, and the following be substituted:—"a Select Committee be appointed, to inquire into the State of the Circulation of Promissory Notes under the value of five pound in England, and to report their observations and opinions thereupon to the House, with reference to the expediency of making any alteration in the laws now in force relating thereto."

Mr. *Liddell* said, that, after the very able speech of his hon. friend,—a speech of which he might say "*nullum fere genus quod non tetigit, et nihil tetigit quod non ornavit.*" He would trespass on the attention of the House only for a very few moments. Upon the theories connected with this question there were, he was aware, strong conflicting opinions amongst very high authorities; and "who should decide when doctors disagreed?" In this equipoise of theory, he would prefer to resort to practice, and to practice of which they had already experienced the results. It was under these impressions, that he objected to the measure now proposed by the chancellor of the Exchequer, because he considered it partial, and founded on a very erroneous view of the great question to which it referred. In one point he did not concur with his hon. friend; for he thought that if government were prepared to carry their own determination into full effect, it would be necessary to have some law to confine the circulation of the small notes to Scotland; for without that measure they would, no doubt, circulate within the English border. But he had no doubt that the general measure for diminishing the small-note currency in England, would create great consternation in the country; and, feeling how he was circumstanced in a county bordering on Scotland, and being convinced of the advantages that would result from a continuance of that circulation, he felt bound to support the amendment of the hon. baronet. He had followed the right hon. gentleman with the greatest attention throughout the whole of his speech, and certainly there were some parts of it which he had heard with comfort and satisfaction; those parts, namely, where he shewed that the amount of the currency was not likely to undergo any contraction from the meditated change, and that no difficulty would be felt in supplying the vacuum created by the notes withdrawn with a metallic circulation. This he had heard with pleasure; but still the House must be aware how much apprehension was felt in the country upon the subject. Petitions had been poured in from almost all the manufacturing districts, praying for a repeal of the act which was now to be enforced, and he wished to express his conviction, that it was not merely from the change in the course of next year that he apprehended difficulty, but that the very expectation of the measure had already produced evil, had pressed like a dead-weight upon the currency, and had had a most injurious effect upon prices, as well as impeded all those transactions in commerce, which contributed so materially to the benefit of society. Much had been said, in the course of the evening, upon the subject of taxation, and it was generally admitted, that high taxation could not be consistent with low prices—that we were unable to support the taxation of the paper standard, with the prices of the metallic standard. An hon. member, at an earlier period of the evening, had called upon government to reduce taxation by an effectual economy in our expenditure; but the nation had unhappily contracted a debt of 800 millions, of which the interest must be paid by taxation; and if our fleets and armies were reduced to their state before the war—if pensions and sinecures were abolished—and if his majesty's ministers served their country for nothing, we should still be burthened with a heavy taxation, and the more prices were lowered, the more oppressive would that taxation be experienced. He trusted that, under these circumstances, they should have the vote of that hon. member in support of the amendment; for there could not be a doubt that with such a debt we could not continue to pay the taxes, without the aid of a paper currency, be it regulated as it might. He was anxious to support the amendment, because he well knew the opinion which prevailed in the country on this important subject. He had great reliance on the respectability of the country bankers, and he thought it hard that the people—he now particularly alluded to the northern counties of England—should be deprived of their services, while they saw the privileges denied to them exercised by bankers on the other side of the border. Believing that a paper currency on a metallic basis was not only practicable but extremely useful, he cheerfully supported the amendment.

Mr. *S. O' Brien* said, he considered a paper currency not only cheap but useful. It had been objected to the paper system, that it had given rise to the wildest speculations. That was true to a certain extent; but then it should also be considered, that it had given rise to the most useful enterprise, which had given employment to thousands, and had realized large fortunes to many honourable and industrious individuals. He could not see, if the public were secured by proper regulations, from the dangers to be apprehended from what was called over-trading, where the danger was of making the trial, or rather of continuing that which had been already made, and had been on the whole successful. As to the danger of over-issues, he thought it was only imaginary, as long as the Bank of England had the power of contracting its issues at pleasure. Besides, when we talked of the danger of the issue of small notes, he would ask, what security did their abolition afford against the insolvency of private bankers? There was none he contended, which they might not have at the present moment, and with a small-note currency. On the whole, he thought that a paper currency, founded on a metallic basis, was that which the country required, and without which we could not go on, with such a weight of debt as the country had to bear.

Mr. *Frankland Lewis* said, that in his view of it, the whole tendency of the hon. baronet's speech resolved itself into a recommendation of a depreciated paper-currency. Then, he put it to the House, whether it would not be the more direct course for the hon. baronet to avow distinctly and at once what was his real object, and to bring it forward in a more tangible form. The hon. baronet had introduced a variety of extraneous topics, but no one who had attended to the course of his reasoning could fail to come to the conclusion, that the great end and aim of the speech was the introduction of a depreciated currency. He would ask any one who recollected the discussions of 1822, and the several debates in that House since then, whether they could consider such a position tenable? After the experience of the ever-to-be-lamented Bank restriction of 1797, it was a matter of regret that all we had experienced of the evils of a paper system were not sufficient to deter hon. members from a wish to have recourse again to that erroneous system, which, sooner or later, was certain to bring after it the most ruinous consequences. Could the House forget the sufferings which the country had endured from that system, and from which she was not yet wholly recovered? Could hon. members banish from their recollections, the kind of intoxication which prevailed in the country from the year 1797 to 1813, in adventures and enterprises of the wildest character? To what did these owe their origin but to the paper system? No doubt many of the evils to which he alluded were brought on in perfect ignorance, and without any bad intention on the part of those by whom they were heaped on the country. Many of these were themselves the greatest sufferers; but the injury to the country was not the less. The blindness with which they hurried on, affected thousands, in whose case most of the evils of a depreciated paper system were fully demonstrated; and yet, before the country was quite recovered from those effects, what was the remedy proposed by the hon. baronet? Why, a return to the same depreciated paper. Then, notwithstanding all the evils of 1797, we were to go back to the same system! It was said, that the debt was contracted in a depreciated paper currency; but though that was unavoidable under the circumstances in which the country was then placed, it was under a solemn pledge of parliament, that a sound currency should be restored within six months after the termination of the war. Now, did the hon. baronet imagine that it would be restored by his proposition? What had tended to restore it in 1816? Why, the breaking of many of the country banks. That had produced infinite mischief in the country; and when parliament determined to resort to a metallic currency, it only did that which the frailty of the machinery of the paper system was doing long before.—He admired the speech of the hon. baronet, and admitted its great ability, though he differed from most of the conclusions to which the hon. baronet had come. He had mixed up a variety of topics which did not belong to the subject, and, as the result of his arguments, advised the House not to tamper with the currency,—the very thing to which all his own arguments tended. He advised them, at the moment they had got a sound currency, which, if it could be effected at all, could not be so except by causes which would be ruinous in a paper system; at that moment he advised them to go to sea in search of six or seven different positions, a course, which instead of tending to settle men's minds, would only disturb that which every man must wish to see fixed and at rest. He contended that the hon. baronet had shown no cause which should induce the House to agree to his proposition. He had, no doubt, quoted very high authorities in support of his view of the case; and to those authorities he was disposed to bow, but not so to the inferences which the hon. baronet would wish to draw from their opinions. It needed not, however, any of those high authorities to convince him, that convertibility into gold was the proper foundation of a paper currency; but, admitting that, to a certain extent, that would operate as a security, it would not always guard against the excess of quantity in the issues. The remedy now proposed by the government was, like many others, nauseous and painful; but it was to put an end to an evil which had often convulsed the country to its centre, and against the recurrence of which we ought to guard.—The hon. baronet had quoted, to no good purpose, that there was no one-pound note circulation in 1793; but even with the five-pound note currency at that time there was no security in case of a sudden war.—The act which it was now wished to repeal was passed under the agonizing infliction of 1825, when the great amount of paper money in circulation beyond that required by the actual want of society induced speculation of every description. It was then found necessary to limit the power which was so capable of being abused. The thing to be desired was, to bring back the circulation to the state in which it stood previously to 1797, when small notes were never circulated to any great extent. To prevent the circulation of those notes was an act no less of humanity than policy, for it was the poorer classes who were the greatest sufferers on the occasion of a panic. By extending the quantity of gold in circulation, a remedy was provided to which application might constantly be made, without producing any of those shocks to which a currency composed principally of paper was always liable. Notwithstanding the restriction in 1797, it was not till 1803 or 1804, that the depreciation of money was felt, owing to the currency being full of gold. Under the system which it was the wish of the hon. baronet to continue in existence, the Bank of England was obliged to provide security, not only for its own circulation, but for that of the country bankers. What he meant was, that the responsibility of the country banks finally resolved itself into that of the Bank of England. From that responsibility it was desirable to relieve the Bank. It was not fair that they should be obliged to keep gold in their coffers, not only for their own security, but to guard against emergencies which might rush upon them, as in 1825. It was fortunate that the Bank of England had withdrawn its one-pound notes from circulation previously to 1825; for that circumstance enabled it to throw them out again, to the great relief of the country banks. The Bank acted wisely in re-issuing their one-pound notes in that conjuncture; though he thought it wrong that such a power, either for good or ill, should be vested in any body of men. It was important to remember, that the Bank of England had voluntarily withdrawn their one-pound notes from circulation to the extent of seven millions, without producing the slightest alarm or inconvenience. As far as experience went, therefore, it was against the hon. baronet? The hon. baronet had made a most overcharged statement of the dangers to be apprehended from carrying into full effect the measure now in progress. The currency was now at par; and could it be supposed, that the withdrawing the country bank one-pound notes from circulation would enhance the value of money to the extent represented by the hon. baronet? When the four millions of one-pound notes should be withdrawn from circulation, would not their place be instantly supplied by four millions of sovereigns? Could any man doubt that such would be the case? It was also quite certain, that when the one-pound notes were withdrawn from circulation, the country banks would issue a larger quantity of five-pound notes which would keep up the amount of the currency to its present extent.—There appeared to exist a misapprehension as to the object of the act respecting one-pound notes, which it was desirable to correct. Some persons seemed to think, that the act provided that no one-pound notes should circulate after April 1829. Now, all that the act provided was, that none should be issued after that time, but left those then in circulation untouched. That was calculated to prevent any shock which might be experienced from suddenly stopping the circulation of one-pound notes. A more opportune moment than the present could not occur for carrying the law into effect. There never could be a period when four millions could be better spared from the circulation than now. He trusted that no one would be led away by the hope of deriving advantage from the depreciation of the currency. Let the legislature once enter upon that course, and they would not know where to stop. Every pretext would be seized hold of for effecting that object. A reference to the pages of our history would show, that the greatest disasters had invariably resulted from the depreciation of the currency by the government. The measure now in progress had been adopted after mature deliberation. He implored the House to maintain that measure, steadily and stedfastly, as the only means of affording the country security against the dangers which had resulted from fluctuations of the currency.

Mr. *Maberly* said, the right hon. gentleman proposed to bring in a bill, the effect of which would be, to prevent the circulation of Scotch notes in England; and that measure he wished to introduce, after a committee had sat to inquire into the subject of the circulation of Scotland, and had recommended parliament not to interfere with that circulation.—The business of the Scotch banks was carried on in the same manner as those of London.—Their exchanges were regularly made twice a week; and the consequence was, that there could be no over-issue of paper. If that system was changed, the poor would be deprived of the power of investment of small sums, while, as it at present stood, it was prevented from becoming injurious, by the frequent exchanges among the bankers. The circulation thus existing in Scotland was not confined to that country, but extended to the adjoining English counties; and if this circulation was changed, great distress would be brought upon Scotland and the districts in this country, where it was now the medium of payments; for in the northern parts the people depended on that circulating medium, and made their exchanges on Scotland with it three times a week. As the bill now proposed applied only to that part of England, he thought it was not a necessary measure, and he should, therefore, support the amendment.

Mr. *Baring* said, he should not take up much time in delivering his opinion on the subject, although it was undoubtedly one of the greatest importance. The original motion had been confined to a certain point; but the hon. baronet near him had gone into the discussion of the larger subject. He did not regret that the debate had thus taken a larger range, nor that the House had of late had frequent discussions upon this great question. It was to be recollected, that the charter of the Bank of England would, in a few years, expire, and it was time for them to sharpen their wits upon the important subject of banking, in order that they might be able to see which was the best course to be pursued, whether the system that was now in use in Scotland, and whether it would be advisable to introduce that system into England when the Bank charter was done away with here. After all that had been so plainly and dogmatically laid down on the subject of the currency, it was clear that there were no great questions on which most persons, both within and without those walls, were so completely, as it were, learning their lessons, as upon the questions of the circulation and the banking system. Indeed, he felt it necessary himself to speak with a degree of diffidence on the subject, when it appeared that as yet hardly any principle had been established, notwithstanding the opinions which had been given to the world, under the sanction of some men of great name,—Mr. Horner, for instance, and the right hon. gentleman opposite, who was certainly no ordinary authority. Indeed, when it was recollected, that it had been settled by a vote of that House, during a period when theywere experiencing all the pressure of a long war, that within a few months, and that, too, when there were not perhaps more than 12,000 guineas in gold in the kingdom, the public should return to a metallic currency, and cash payments should be resumed in a country so extensively engaged in trade and commerce, the present generation could hardly be too modest in expressing its sentiment. After the opinions which the House had listened to from the late Vice-president of the Board of Trade, and the hon. member for Carlisle, the House would, perhaps, be inclined to consider jointly with himself that the question was one of no small difficulty. The proposition of the latter was not merely whether the circulation of the one-pound notes should be permitted in this district, but involved a much wider question. The deliberate depreciation of the currency by any public act was one which must always have the effect of startling most persons. It was revolting to a generous and honourable mind. It had been said by some, that it might be a question whether it might not be wise to let matters rest, rather than run the risk of disturbing them. His hon. friend, impressed with a sense of the dangerous tendency of a measure of that kind, had described a depreciation of the currency, as the worst act of the worst of tyrants; yet the House would recollect that this was precisely the act of the House of Commons. There was as much injustice in increasing the value of money by an act of that House, as in decreasing the quantity of money in the market. In this instance, the hon. member for Carlisle had not overstated his objection; and perhaps if that question were to be decided over again, the House might not come to exactly the same conclusion. Whatever were the difficulties of that period, we were now out of that situation. He could not therefore consent, as circumstances now stood, to vote in favour of the committee proposed by his hon. friend, if it were even limited in its inquiry to the subject matter of the present bill, much less if it were intended to embrace the subject of the depreciation of the currency generally within its inquiry. To such a course he confessed that, notwithstanding the able and eloquent address of his hon. friend, he felt a decided reluctance. He should now apply himself to the bill before the House. The legislature had, it would be in their recollection, passed a law to put an end to the circulation of one-pound notes in England finally next year; and now the right hon. gentleman opposite applied for leave to bring in a bill to prevent the Scotch bankers' small notes from having a concurrent circulation with Bank of England paper, in the northern counties of England. This evening came the motion of the hon. member for Carlisle, which brought forward the whole question. Whether the legislature had been right or wrong in stopping the circulation and putting an end to the system of small notes, he would not stop to inquire, further than to observe, that if they, in doing so, had done wrong, this, perhaps, was the best opportunity they had, or could have, to retrieve their error. If they continued that restriction, it was clear that something must be done to render it operative; for already these Scotch notes had invaded and entered Carlisle by storm, and would be soon found on to the Trent.

It was impossible to prevent such a consequence. The notes would be circulated by bankers in large towns, on account of the profit; and no doubt they would, by degrees, come creeping up from the northern parts of the country, and possess themselves of the capital. If they suffered the nuisance of one-pound notes—he called it a nuisance, because the House had, in fact, so described it in their resolution,—it would be a great injustice to say, that the English bankers should not be permitted to take part in it, but that the Scotch bankers should alone enjoy all the profits resulting from it. The hon. baronet had said "Wait until the Scotch notes had made this progress;" but that hon. baronet had shewn, by his own speech, and by reference to a petition from Carlisle, that that progress had already been made; for, in that petition, mention was made of the inconvenience the people of Carlisle would suffer if they were deprived of the advantages arising from the circulation of these notes. He ought to add, that the hon. baronet, and the hon. gentleman who had last spoken, had both mentioned the distress which Carlisle would suffer if deprived of this circulating medium; he thought that they were both mistaken in this respect, for the distress would fall upon the Scotch bankers, and not upon the people of Carlisle; for the former must furnish the money to take up the notes they had issued, if the circulation of those notes were put an end to. If the bankers who had issued those notes had been resident in Carlisle, certainly the inconvenience of the change would fall on that place, for they must furnish the money to take up the notes which had been in circulation; but if the present measure were carried, that expense and inconvenience would fall upon the Scotch bankers alone. He believed, however, that the difficulties of this change had been much exaggerated; especially as the notes in circulation amounted only to two millions, and from those that were actually in circulation, the right hon. gentleman said, that one tenth must be deducted for the amount of notes kept in the coffers of individuals, or in the hands of bankers;—and a reduction of 200,000*l.* would be thus effected.—No doubt the right hon. gentleman was right in this calculation; but he should have thought that two millions were too low an estimate, and should have placed it at least one million and a half higher. However that might be, there was no doubt that the change would operate at first to produce considerable distress in the local districts in which it occurred. In the immediate neighbourhood it would be a sinking of capital to that extent, and would so far be a loss to the banker, and through him to his customers, who must suffer from the want of accommodation consequent on such a change. But the banker was not called on to bear this change at once and unexpectedly: he had been years preparing for it, and by this time his preparations ought to be complete. It was, therefore, impossible to feel the alarm which some hon. members had spoken of as the consequence of a large sale of Exchequer bills for the purpose of obtaining the ready money, which they believed to be the necessary result of such a change, since that sale must take place in a market, in which the purchasers would be obliged to them for a sale of ten times the amount. There would, therefore, be no difficulty in realising the capital necessary to meet the change.—The question was, whether the notes now in circulation were actually wanted? If they were, the buying them up would be a waste of capital to that extent, and the country bankers ought to be allowed, not only to keep those notes in circulation, but to increase by six millions, the circulation of small notes, in order to replace those which had already been withdrawn. In saying this, he did not mean to undervalue the conveniences of a small-note circulation; but if such a circulation were persevered in, he thought that the circulation of the notes of country bankers was more valuable than that of the branch banks of the Bank of England. The country banker gave accommodation and facilities for trading, to all the tradesmen who surrounded him: the object of the branch banks was, to send up all they obtained to the great gulph, there to be employed for the benefit of the Bank, of which they formed a part. He did not mean to deny that the branch banks afforded facilities to tradesmen; but the others were certainly more useful to persons of that description. He acknowledged that any thing which the House could safely do, it was their duty to attempt. It was their duty, as far as they could, to make money cheap; but they had a further duty to perform; for, while, on the one hand, every circumstance of interest, of policy, and of feeling, would induce them to make money cheap, on the other hand, it was necessary that they should preserve a steady and consistent course, and that their conduct should be strictly regulated by prudence. The moment they departed from the line which prudence required them to pursue, they were in danger of running into the opposite extreme. In 1825, for instance, the great mistake they had committed was that of encouraging an over-laxity, by which capital seemed to be increased to a most enormous extent. Keeping in mind the principle of adhering to the rules which prudence dictated, they might be safe; but they must cautiously avoid depreciating the circulation on the one hand, and cramping and strangling it on the other. He was anxious to keep out as much paper as possible; that was his first principle, limiting the amount of paper upon the principles he had already stated. His next principle was, that the paper of country banks was more useful than that of the branch banks. — The question, then, was, as to the security on which this paper was circulatted;—or, in other words, the convertibility of it into specie; for the moment they abandoned that convertibility, they abandoned that which gave security to the circulation. It was not the legal but the practical ability to meet all demands that constituted the real security of the circulating medium; as it had been truly stated, that no man could say what at all times was the proper amount of specie that the country required. That amount must be different in different circumstances, and all contractions of the currency altered the state of things. When the country was saturated with a metallic circulation, it could afford for any occasional demands which might arise more than if that metallic circulation was small. If there were 20,000,000*l.* of gold in the country, and 10,000,000*l.* of paper, or 10,000,000*l.* of gold, and 20,000,000*l.* of paper, the demand for one or two millions of specie would operate very differently in the one case, from what it would in the other; and experience had proved that, if they banished gold essentially from circulation, they would not have sufficient means to meet such a demand. It had been said, that, in the case of Scotland, this paper circulation was perfectly safe; and it had been observed, that while that was the case, the same circumstances which made it safe in Scotland could not make it unsafe in England. That argument, in one point, was unanswerable; but it did not furnish a reason why Scotland should be so far favoured as to enjoy a circulation which, though perfectly safe there, might, from the operation of other circumstances, be unsafe if introduced into this country. It was true that the paper circulation had existed longer in Scotland than here, and, on that account, the Scotch had some claim to say that we had begun an experiment in England where paper circulation was more recent, but that we ought not to carry it into that country. Still, however, there could be no doubt, that if a paper circulation was dangerous in England, there was as much danger in the Scotch paper, so far as it went, as in any paper that might be issued in any part of England. Suppose, for instance, the county of Kent had a paper circulation of its own: that paper might be beneficial to that county, and yet, at the same time, dangerous, if extended to the other parts of England. He thought there was no difference, in that respect, between Scotland and one of the counties of England. It was to be hoped that, as they had done in former times, they would now be able to maintain the circulation without the introduction of that paper currency which had been proved to be dangerous. It had been said, that, if they suppressed the circulation of Scotch paper in the north of England, they would diminish the accommodation and facilities now enjoyed there from that circulation; and they had been recommended to allow a proper circulation in England, similar to that in Scotland, and under the same securities. He must, however, state, that those very Scotch banks, for which exemption had been claimed by way of preference, had as much pressed, in 1825, upon the Bank of England, as any of the country banks here. There was no doubt of their solidity, and they did not generally suffer from those occasional runs which affected banks in this country, which were often less able to bear such a misfortune. There were some who had felt much alarm —notwithstanding the advantages of a country circulation—lest parliament should permit, what they had properly called, a coining of money in any shape whatever in the country towns. There was something so monstrous in the proposition to allow this, and they had had so many instances of the misery which, in consequence of it, had fallen upon the small towns, that it was difficult to say whether the system carried with it such redeeming qualities, as to induce the government to tolerate it to any extent. That question was one of great importance; especially with respect to the termination of the Bank Charter; but it was still more important, when considered with a view to establish the banking system of the country on solid grounds. It had been said, that some were advocates for depreciation being effected openly; while others supported what would amount to depreciation, by favouring a standard silver currency. The right hon. gentleman who had made that remark, seemed to have alluded to him (Mr. Baring); and he might, therefore, be permitted to make a few observations on that subject. He had never wished to return to any standard of currency older than that of 1778. Before that period it was legal for any person to carry gold or silver to the Mint, for the purpose of having it coined: the consequence of which was, that the coin was debased, as soon as the price of gold and silver became such as to render it the interest of any man to convert the metal he possessed into coin. These prices had varied in such a manner as often to induce men to do this; and a law was passed which put an end to the practice, and threw the country upon the gold currency. From the time of William 3rd, up to that period, gold and silver had been the nominal circulating medium; but gold was the practical currency of the kingdom, because it was cheaper; and, as the Mint was open to any man, of course he chose to pay his debts in the cheapest manner, and therefore adopted the expedient of discharging them in gold. But, in the year 1778, a difference taking place in the price of these metals, the change he had already adverted to was the consequence, and silver would have become, from that circumstance, the practical currency of the kingdom, if the coining of that metal had not been stopped, upon the representations contained in a pamphlet written by the earl of Liverpool, the father of the present noble lord. If that coinage had been continued, it would have made a difference of 4 per cent. in the value of the currency. A pound of silver might be bought for 59*s.* 6*d.*, and might be coined into 62*s.* By adopting a gold currency, the value of the circulating medium had been advanced: while, if it had remained as in 1778, it would have been depreciated to the extent he had already stated.—In his opinion, no injury would be done by the entire resumption of the system of cash-payments. There had been so great and so complete a derangement of the currency, through the introduction of different sorts of paper into the circulation, that it would, perhaps, be impracticable, possibly needless, to tie the Bank of England down to the old system. In order to form a just standard, the silver currency should be applied in a just proportion. A considerable relaxation would take place by adopting the standard in both metals. Considering how sensibly we as a nation felt the effects of the debt, we ought not to affect the coxcombry of having the neatest piece of coin in our pockets, but sacrifice convenience to the public good. Its size was the great objection made to the use of silver in a large proportion. There was a difficulty, certainly, in getting over this objection. One object, however, ought never to be lost sight of in regulating our circulating medium; namely, keeping out the paper. Through the instrumentality of the Bank of England the standard could be effectually regulated, by an adjustment of the precious metals in circulation. He sincerely hoped that ministers would turn their thoughts to the subject during the recess. He felt little disposed to go into the question, as it related to the right hon. gentleman's bill; much less was he disposed to agitate, on such an occasion, the general question, which at all times, and under all circumstances, ought to be approached with great circumspection.

Lord *Howick* thought, that the Restriction act, and also the act of 1819, was a piece of injustice; but he did not, therefore, think, that they should now do another act of injustice, which they would do if they retraced their steps, and again depreciated the currency. He should, however, vote for the amendment of his hon. friend, on the simple ground, that it was worthy of inquiry, as a paper was so much cheaper than a metallic currency, whether it could not also be made as safe as a metallic one. He thought it was no argument, because a paper currency had failed under a bad system of banking, perhaps the worst that ever existed, that it must necessarily fail under a system, with proper regulations, and with all those checks and safeguards which might be devised. No step should be taken which added unnecessarily to the burthens of the country. An inquiry could do no harm; and if it ended in suggesting proper checks, the country might be able again to have a paper currency, which was to be wished, on account of its cheapness. The chancellor of the Exchequer had stated, that at present, the gold currency amounted to 22,000,000*l.*, and he supposed that the annual expense of keeping that sum in circulation, was not less than 1,200,000*l.* By keeping a metallic currency in circulation, therefore, a tax of 1,200,000*l.* a year was levied on the people. If the result of the committee proposed by his hon. friend should be, that a paper currency might be substituted for a gold one with proper checks, the whole of this expense would be saved. This was, he thought, a sufficient ground for going into inquiry. He would at least suffer the country bank-notes to be continued in circulation until the year 1833; at which period when the Bank charter came to be considered, the whole subject might be reviewed with advantage to the country.

Mr. *Hudson Gurney* said, he could not but consider the argument of the right hon. gentleman a most lame and impotent reply to the admirable speech of the hon. baronet (the member for Carlisle). At the same time, with the experience they had unfortunately had of the results of the inquiries of committees, he could by no means vote for the hon. baronet's amendment. It was to the miserable blunders of the committee of 1810, that most of the evils to which the country had since been exposed, must be traced: whilst, to the still more inconceivable blunders of the committee of 1819, all the mischiefs which had fallen upon us in later years, were mainly to be attributed. He had always been of opinion, that the stoppage of 1797 was occasioned by our having come to the point when the standard in gold of twenty-three years—and twenty-three years only,—under the increase of the debt, could no longer be maintained; and that the attempt to force things back to that standard was neither more nor less than madness. What ought now to be done, was a much more difficult question. He certainly did not wish to see the issue of one-pound notes again in the hands of private individuals. At the same time, he must express his astonishment at the statements of the chancellor of the Exchequer; and he confessed he could not but entertain strong doubts of the accuracy of his calculation, both as to the amount of the one-pound notes still in circulation, and as to that of the gold and silver now circulating in the country. The right hon. gentleman also in his view, greatly underrated the amount of coin, which would be rendered necessary, by calling in the one-pound notes, as he was convinced that a much greater proportion of sovereigns would be required than would go to the mere replacing the smaller paper. The hon. gentleman ended by recommending the subject to the most careful investigation by the government; though, under present circumstances, he could not vote for referring it to the inquiries of a committee of the House.

Sir *M. W. Ridley* said, he should not have risen, had it not been for a remark of the late Vice-president of the Board of Trade. He agreed with the Chancellor of the Exchequer, that the profit on one-pound notes was not of any consequence to the country bankers. But they had heard from the Vice-president of the Board of Trade, that the great pressure which was felt in the year 1825 was chiefly caused by the pressure of the country bankers on the Bank of England for gold. Now this was a statement which he felt himself called on to deny. The country bankers had done no more than any other men. They who held the paper of the

Bank of England went to it, as they had a right to do, and demanded gold for it. He, for one, only required that the Bank of England should act towards him, as he acted towards his customers. In fact, it had not acted so well; for the Bank of England had at one time not a guinea to meet the demands on it. What was the consequence? Why, the country bankers assisted in circulating the one-pound notes of the Bank of England. They had acted in the most friendly manner towards the Bank of England. He spoke from personal experience: and he knew that for many days he had received, as a country banker, not a single guinea from the Bank of England—nothing but Bank of England notes. As long as the public were satisfied, it was of no consequence to the country banker whether he paid in notes or in gold. The only difrerence was in the difference of expense in the transport between paper and gold. It had been stated, as a charge against the country bankers, that they had caused the failures of 1825, and had spread ruin over the country. A great number of individuals, it had been said, had suffered, and he admitted that they had; but, as far as the country bankers were concerned, the picture was overcharged. In 1825 and 1826 there were seven hundred and seventy country bankers, and of these sixty-three had stopped payment. Out of the sixty-three, twenty-three had subsequently resumed their payments, and had paid 20*s.* in the pound; and of the remainder, thirty-one were making arrangements for the payment of their debts, and there was a great hope that every farthing would be paid. The country bankers who had failed in 1826, had paid, on an average, 17*s.* 6*d.* in the pound. It was a little too hard, therefore, to throw all the odium of the convulsion of 1825 and 1826 on the country bankers. In fact, they had been made the scape-goats for the ministers; who had contributed, by their measures, to that convulsion. They had been supported by all the members from Scotland and Ireland in that House, when they brought in their bill in 1826; but, as soon as that was completed, these members besieged the ministers, compelled them to give way, and allow the small-note circulation to be continued in Scotland and Ireland. He pledged himself to prove, if they went into a committee, that there was not a single part of the Scotch system of banking, of any value, that had not been adopted in every well-regulated country bank in England. If the government had acted with candour to the country bankers, that fact would have been proved before; and the famous—he might call it by another name, but he would adopt the more courteous—the famous letter of the chancellor of the Exchequer to the Bank of England, in 1826, would never have been heard of. He had no objection to the bill, nor did he object to the permission of one-pound notes in Scotland; but he thought, as a country banker, though without suffering any improper bias to influence him, that it was wrong to confine the cheap system to Scotland, when the evils of a bad system might be guarded against as effectually in this country. It was not the use but the abuse of a paper currency that had led to the misfortunes of the commercial world; and it was rash and unstatesmanlike to abandon a course altogether, which was only injurious, because it was abused. For these reasons, he should vote for the committee.

Mr. *Huskisson* said, it had been long his lot to address the House on all the general subjects which the hon. baronet had touched upon with a rapid and lucid view; but he would not go into a discussion, on the present occasion, upon the depreciation of the currency, the conduct of the country banks, or the blunders, as an hon. member had described them, of the committees of 1810 and 1819. He regretted that he had not had the advantage that evening of hearing the speech of the chancellor of the Exchequer. It was, therefore, that he wished very shortly to state the grounds on which he should vote for the proposition of his right hon. friend, and most decidedly against the amendment. He agreed with the noble lord, in the general proposition, that provided no risk or inconvenience attended the proceeding, it was desirable to go into a committee on such subjects; for the more they were inquired into, the more should we increase the stock of our practical experience, the want of which had led to the errors we had committed, to the great detriment of the national prosperity. But he would ask, was there no risk in unsetling the mind of the public, as to what was to be the future state of the currency? He had no hesitation in saying, that many questions must be brought under the consideration of such a committee, if it should be appointed, the discussion of which could not fail to alarm the country. They would have to inquire into the subject of the restriction. The hon. baronet seemed anxious to avoid a panic, and had stated the evils that arose from great fluctuations; but, with all his well-founded aversion to those calamities, he was going the direct road to another panic, and to other fluctuations, if his suggestions should be adopted by the House. The first consequence of undertaking such an inquiry would be, the awakening of a general expectation that they were about to restrain cash payments again; the next, that they were about to allow an unlimited issue of one-pound notes. Then would come the speculations and fluctuations which would naturally arise from such fruitful sources of extravagance and uncertainty; and thus would return the whole mass of those alarming evils, which every one concurred in deprecating. If they consented to repeal the bill of 1826, now that it was so near being carried into complete effect, they would invite back the whole host of afflictions under which the country had suffered. It was absurd to talk of a paper currency convertible into gold; for the moment they introduced paper they would banish coin, except such coin as was of lower denomination than the paper. It was impossible to retain either the present or any other amount of gold, except upon that condition; for if we returned to the issue of one-pound notes, we could not keep any coin in circulation, which was not less in value than the pound sterling. The noble lord had asked whether, in the present circumstances of the country, it would not be a great object to save the annual expense upon two and twenty millions of gold currency. In the first place, the expense was comparatively of no importance; and in the next place, the provision which the noble lord had recommended, of a paper circulation convertible into gold, was a fallacy, as he had already shown; for when the paper was let in, the gold would disappear, and in this way they would soon be saved the whole expense of a gold circulation. They might vote the money; they might coin it; but how could they retain it in the country? The hon. baronet, the member for Carlisle had talked of fluctuations as the greatest evil under which the country had suffered; but this, instead of being an argument for going into a committee, was the greatest objection to such a proceeding. If they allowed the country banks to go on increasing their own issues, and encouraging the spirit of speculation, which would be the consequence, the Bank of England would again be placed in the same situation as in the year 1825, and would then, perhaps, realize, in its fullest extent, the ruin which it had experienced but partially on the former occasion. He would say that it was impossible, consistently with the interest of the country, to allow the country banks a power of adding to their circulation as they pleased. Supposing a rise of price to take place in consequence of a deficient harvest, the value of money would then be lowered. The high price of commodities would encourage the speculator to deal in those articles under an expectation that the advance would continue; but then would come a glut, and then a fall, and then the fluctuations which precede a panic; and, finally, the panic itself. But, in the midst of all these changes, there was one commodity that would not rise, and that was the treasure deposited in the Bank of England; so that unless they took some strong measures, the effect of which was panic, they would not be able to check the spirit of speculation which the issue of country notes had encouraged. It was the want of a proper metallic currency that led to the difficulties of the year 1825; and therefore, as a measure of precaution, he would support the measure of 1826, instead of again unsettling the whole of the arrangements, which extended to all the country banks in England. He believed that, if the fact were ascertained, it would be found that most of the country bankers would rather see the system carried into complete effect, than abandoned on the very eve of its completion. When they knew, as he hoped they would by the decision of that night, that the arrangements would be completed, not disturbed, they would adopt a more settled principle of accommodation and credit, and pursue that course which was most consistent with the interests of the country, instead of wandering into those vague and uncertain chimeras, which must result from a vacillating spirit in the policy which professed to regulate their proceedings.

Mr. *Bright* suggested, that the debate should be adjourned.

Mr. *Bankes* was desirous that the matter should go to a committee. If the chancellor of the Exchequer did not adopt the proposition, they might have an unlimited issue of small notes. He, however, considered the circulation of a certain portion of them necessary, and that, without inquiry, it would not be safe to adhere to the law of 1826.

After a short desultory conversation, it was proposed to adjourn the debate to Thursday. The House divided; when there appeared, for the motion 82; against it 17:—majority 65.

The debate was accordingly adjourned to Thursday.

HOUSE OF LORDS.

Thursday, June 5.

Scotch Settlement Bill.] The Earl of *Roseberry*, in moving the second reading of the Scotch Settlement Bill, wished briefly to state the grounds upon which he had been led to support a measure which tended rather to alleviate an existing evil than altogether to remove it. The influx of Irishmen into Scotland was known to be considerable; and that being the fact, it appeared necessary that parliament should adopt some measure for putting a stop to the evil which grew out of such a system; he alluded to the competition in labour, which gradually tended to introduce a degree of want and misery into the country, that had not before existed in it. Under this conviction, therefore, he felt that he should be guilty of a breach of duty, were he to refuse stepping forward; and if he had not the power of destroying the evil, at least to use his influence to alleviate it. The point to which he more particularly wished to draw their lordships' attention, was that part of the existing law which gave to all persons the power of claiming a settlement in Scotland, after a residence of three years; and he thought that the population would be better, as well as more useful, members of society, if the settlement was extended from three to seven years. He had already mentioned how the law stood at present, and he would now state that the consequence of such a measure was, that numbers of aged and infirm persons were continually migrating from Ireland, for the purpose alone of procuring a settlement after so short a period; and by that means of claiming that parochial relief, which they could not acquire in their own country. The object of the bill was merely to extend the period at which a claim could be made to a settlement, from three to seven years.

Lord *Melville* opposed the bill, because it was the first attempt to introduce a different species of legislation for different classes of his majesty's subjects. He contended that the natives of England and Ireland had a right to enter into Scotland. The bill would also be inoperative on account of the inaccuracy of keeping parish registers in Scotland, and the difficulty of ascertaining the claims of individuals. He opposed the bill on principle, and moved that it be read a second time that day three months.

The Earl of *Limerick* said, he was surprised to hear the observations of the noble mover with regard to Ireland. The tenor of his speech could only be looked upon as a taint upon the character of the people of that country, and an indirect accusation of profligacy on their parts. The people of Ireland were armed with every principle of right, under the treaty of the Union: yet, since that treaty, the greatest inroads had been made upon their rights; and this was another attempt to inflict a further injury upon them. The cry now was, "Keep us from the Irish!" Some years back, the cry was, "For Heaven's sake keep us from the Scotch!" The great body of the people were, however, now looking forward for a day of conciliation, and not of recrimination. He objected to the bill as drawing a line of demarcation between the inhabitants of different parts of the same United empire. He did not wish to see such distinctions kept up, and looked forward to see all men made equal in the eye of the law.

The Earl of *Roseberry* said, he had no wish to shew the slightest unkindness towards the Irish. The bill placed the Irish and English on the same footing.

The Earl of *Haddington* said, that the proposed measure, under any circumstances, could not place the Irishman in a worse situation than he was at home; but after a residence of seven years, it would be found to place him in a far better condition: for he would then be entitled to that settlement which he could never procure in his own country. The object of the bill was, not to discourage Irishmen from going over to Scotland, but to prevent them from obtaining so easy a settlement as the present system entitled them to. He would rather the bill should be in force against Scotchmen themselves, than thrown out altogether.

The Earl of *Rosslyn* would never give his vote for a bill which would exclude Englishmen and Irishmen from obtaining a settlement in Scotland upon the same footing as the natives of that country.

Lord *Belhaven* opposed the bill upon the same grounds.

The Earl of *Darnley* could not vote for a bill which would exclude the natives of Ireland from the enjoyment of advantages in another country, which they were deprived of in their own.

The Earl of *Roseberry*, in consequence of the objections which had been made to the bill, was desirous of suggesting whether it would not be better to have the bill read a second time, and on being committed to make such alterations as might be deemed necessary.

Lord *Melville* had no objection to adopt the suggestion of the noble earl.

The bill was read a second time, and committed for the 11th instant.

HOUSE OF COMMONS.

Thursday, June 5.

Archbishop of Canterbury's Bill.] The Attorney-General moved that the bill be read a third time.

Mr. *Hume* was sorry that this bill had been considered a private bill. The object of it was, to grant to the Archbishop of Canterbury power to appoint to an office in reversion, which he believed to be a mere sinecure. The Archbishop had a right to appoint the principal Registrar of the Prerogative Court of Canterbury, and to put into the patent one, two or even three lives. Now, the late Archbishop had put into this office his three sons. One of them was lately dead; and the present Archbishop wished to insert a new life into the patent: but the two surviving sons of the late Archbishop refused to surrender their present patent, and so prevented the present Archbishop from inserting a new life in a new patent. The present Archbishop, therefore, came to the House and asked it to enable him to add a third life to the two which were now inserted in the patent; the third life not taking any share of the profits of the office until the death of the two present holders. By giving him that power, the House would, he believed, perpetuate an office which levied 29,000*l.* a-year on the public. He therefore thought that the House ought not to grant such power, until it had some information relative to the amount of the salaries, fees, and emoluments, received by the five principal Registrars of the Prerogative Court of Canterbury, and knew something of the duties, if any, which they performed. For this information he had moved yesterday, and he therefore hoped that the Attorney-general would postpone the progress of this bill until the returns should be laid on the table. If the learned gentleman would not consent to the delay, he should move that the bill be read a third time that day week.

The *Attorney-general* contended, that this was strictly a private bill. It had already undergone a strict ordeal in the House of Lords. He should therefore oppose the postponement, especially as a public report had been made respecting the office to which it referred; which report stated, that the duties of the office were executed with precision and regularity, and did not recommend any reduction in the amount of fees paid to the officers.

Mr. *D. W. Harvey* thought, that the bill deserved the consideration of parliament, if it were true that the office, of which it was intended to give away the appointment, cost the public 29,000*l.* annually. The delay asked for was perfectly reasonable. Why should hon. gentlemen be placed in the invidious situation of opposing a bill, with which, if information were given, they might perhaps be perfectly satisfied.

Mr. *Wynn* recommended that the third reading of the bill should be deferred for a week, on the ground, that further information should be laid before the House before the measure was passed.

The third reading was accordingly postponed to this day sen'night.

Improvement of Ireland—State of the Poor.] Mr. *Brownlow* rose, in pursuance of notice, to lay before the House a petition from Dublin relative to the unemployed poor of Ireland. He began by expressing his regret and surprise, that not a single minister of the Crown was present, although he had some time since intimated his intention of bringing under the consideration of the House this evening a subject of so much importance to Ireland. He was bound to presume, however, that matters of greater interest kept them away. Many public-spirited and intelligent persons in Ireland felt the deepest concern at the present state of their unemployed countrymen; and although his majesty's servants did not seem to think it necessary to attend, he was satisfied that the wants of the poor Irish need only be stated, to excite, not merely unavailing sympathy, but immediate and practical relief. This document had been well considered, and drawn up by a number of public-spirited individuals, consisting of noblemen, members of parliament, gentlemen, merchants and traders in Ireland, who had thought it their duty to come to parliament with the statement of the evil, and the suggestion of such remedies as they thought applicable. He was a member of that society, and was, therefore, cognizant of its motives; it was not unaptly stated to be a body co-operating for the improvement of Ireland. The petitioners asserted, that they had no party object in view: they had, therefore, not said one word about the Catholic claims, or church property, which were sure to excite strong feelings whenever they were mentioned. They came before the House with an intelligible statement of plain facts: they set out with remarking, that the House was in possession of documents to shew, that one-fourth of the houses in Dublin were in a state of insolvency. Dublin, once the abode of the wealthy, the titled, and the intelligent, affording employment and plenty for its poor, was now to be looked upon as an insolvent metropolis, the sink of indigence and misery. Many of her most respectable citizens had appeared in the Gazette as bankrupts, and many others had retired from trade after compounding with their creditors. In spite of the unexampled cheapness of provisions, the different mendicant asylums were infinitely more crowded this year than in the year preceding. The population was increasing, the demand for labour decreasing: much capital found its way out of Ireland, and very little into it: the unemployed population had, therefore, no refuge from disease and death, but in these mendicant asylums. Such was the short statement of the petitioners, themselves resident in Dublin, and personally cognizant of the state of the population in that once flourishing capital, now in a state of rapidly progressive decay. The circle of this distress was not, however, confined around the capital: it extended north, west, east, and south, and enclosed a frightful degree of suffering among the labouring poor. No part of England, the continent, or the world, could exhibit similar distress. The petitioners adverted to the various reports which had been made by committees on the state of Ireland, and the few, if any, attempts to give them efficacy. The report of 1819 admitted the growing excess of population above the demand for labour, and the accession of wretchedness which was visible on the face of the country. The committee of 1825, stated one-third of the labouring population to be destitute of employment,—a fact known in England and Scotland, as well as in Ireland; for the shores of these countries were beset, from the facility of steam navigation, by poor Irish emigrants, seeking employment to the exclusion of the native labouring classes, and the great augmentation of their local poor-rates. This pauper emigration from Ireland spoke for itself: he blamed not the English people for wishing to check it; for he knew it must severely injure them. The petitioners, after referring to the distress of the population of Dublin, adverted to the general agricultural depression. They complained, with reason, of the absentee owners of the soil, who were, in general, the prime curse of Ireland; for surely it was dishonourable to draw the means of wealth and affluence from a wretched and starving people, and then leave them to pine and perish. The petitioners, after complaining of this evil, suggested the better cultivation of the Irish fisheries: they likewise alluded to the benefits derived by Scotland from the appointment of commissioners to invest money in public improvements. In that country, through such means, of late years, one thousand miles of road had been made, and one thousand five hundred bridges erected. The petitioners stated, that in Ireland four million acres of land were uncultivated, the greater part of which was capable of being reclaimed; yet not one shilling of public money was laid out upon these bogs or mountains. He was aware of the difficulties, in some cases, from the titles of conflicting proprietaries; but these were not insuperable, and he hoped the drainage bill, of which he had given notice, would effect some good. The hon. member next alluded to the butter bill, which was under the consideration of the Board of Trade, and which he hoped the late unfortunate change in the direction of that department would not set aside; for it was time to get rid of the odious and vexatious regulations, which harassed that part of the productive industry of Ireland. The petitioners went at large into these topics, and he conjured the House to deliberate promptly upon the bitter grievances they set forth.

Mr. *James Grattan* corroborated every word which had been uttered by his hon. friend, respecting the wide-spreading wretchedness of the Irish population. He had himself endeavoured, some time ago, to apply a modified system of poor-laws to this evil; but he was traduced and misrepresented, and compelled to abandon his intention. Nothing had been done to mitigate the afflictions of Ireland; and he blamed not the English and Scotch members, who were only doing their duty in endeavouring to meet the evil of the sojourn amongst them of these miserable Irish paupers. It was proved, so far back as the committee of 1819, that a large portion of these wretched beings were endeavouring to live upon boiled nettles; and, in 1816, nearly sixty-five thousand were suffering under fever and famine. The committee of 1823 proved, that there were two million five hundred out of employment in a surface of five million of acres; which was nearly half the land of Ireland. He gratefully acknowledged the assistance which this country had generously bestowed upon Ireland, in remitting, at the crisis of her sufferings, so large a sum as 300,000*l.*; but these experiments could not be repeated, though there were daily probabilities of their recurring; food was now so cheap in Ireland, that twopence a day was enough to sustain a family; but if the potatoe harvest failed in any season, misery, in all its aggravations, must ensue. He cordially concurred in the beneficial effects of the advance of money by the Scottish commissioners, and wished a similar attempt were made for improving and cultivating the waste lands of Ireland. A system of that kind had been put into operation in Scotland, and had been productive of immense benefit there. Large portions of waste lands had been brought under cultivation, and all the paupers and idle people in the country had been successfully colonized upon them. By bringing the bogs and waste lands of Ireland under cultivation, the means of livelihood and of useful industry would be afforded to the unemployed population of that country. It would be well for the hon. member for Newcastle to turn his attention to that subject, and before he recommended emigration to the Canadas, to see whether the system which had been productive of such benefit in Scotland, might not be introduced into Ireland.

Mr. *G. Dawson* said, as an Irish member of parliament he would say, that the statements contained in the speech of the two hon. members, and in the petition, were, to say the least of them, greatly exaggerated. It was certainly true, that there was a great quantity of distress in Ireland; but this arose chiefly from politics; to which, unfortunately, the people of that country were so devoted as to have become forgetful of their domestic interests and concerns. But, the actual condition of the country at large was very different from what it had been represented. The fact was, that, at that moment, no country was making more rapid progress towards wealth and prosperity than Ireland. Her trade had rapidly increased, and the facilities which steam-navigation afforded, had promoted in a most important degree the progress of improvement in Ireland. The condition of the greater part of the population was daily and hourly advancing towards improvement. The petition ended by calling on the government to advance a large sum of money to employ the population, and proposed the enactment of a general enclosure act, and a drainage bill. Both these means of redress were impracticable. The uncultivated lands were the property of private individuals, who would retain them as eagerly, as they would do the best lands in the country. As to a general drainage, the report of the commissioners on bogs, had certainly recommended such a measure: but even were the bogs of Ireland drained, and the waste land reclaimed, it would not be worth the trouble and expense. He himself possessed some hundreds of acres of land of that description; and having reclaimed a few of them, he was by no means inclined to repeat the experiment. The fact was, that such land would not repay the one-tenth of the money expended on its reclamation. He would not have the people of Ireland look forward to such a wild speculation as a means of improving their condition. It could be proved beyond all doubt, that Ireland was rapidly improving, and he was confident that, ere long, she would become a source of wealth and strength to this country. He dissented from those who said, that the immigration of Irish labourers into England increased the burthens of this country. In the first place, these poor creatures afforded their labour at a cheaper rate than the English labourers, and increased the wealth of the country, by enabling the manufacturers and farmers here to produce their goods and sell them at a lower rate than they otherwise could do: in the next place, he believed that as many returned to Ireland at other periods of the year, as came over here to seek for work during the harvest. The average number of Irish passengers who had landed at the port of Liverpool, during the last three years, amounted to twenty-five thousand, and the average number who had returned to Ireland from that port, during the same period, amounted to thirty-thousand. He could not regard these honest and industrious men in the light of mendicants, as they had been represented. They came here to earn the wages of labour, and did not deserve to be stigmatized as beggars. He was opposed to the plan of advances of the public money, with a view to encourage the people of Ireland to employ the resources of that country. Such a project would end in the destruction of the industry of Ireland, and would be converted into a mere matter of jobbing. The improvement of harbours, the promotion of fisheries, &c., he would leave to private and individual enterprise; and he was sure that sufficient resources existed in Ireland to encourage and promote such objects, without any assistance from the government.

Sir *J. Newport* said, what had just fallen from the hon. gentleman recalled to his recollection a speech which he had heard from a member in the Irish parliament, and the facetious reply which it provoked. An hon. gentleman got up in the Irish House of Commons, and like the hon. gentleman opposite, gave a most glowing description of the resources of Ireland; when he had concluded another hon. member started up, and said—"I really imagined, while listening to the hon. member's description of the wealth of this country, that all the half-pence in Ireland had been converted into guineas; but, on putting my hand in my pocket and taking out a few, I found, to my disappointment, that they still continued to be half-pence." The hon. member had given them a fanciful picture of the state of Ireland, and not that which was borne out by facts. If wealth existed in Ireland, and the people there had sufficient employment, why should they come over for employment? The hon. gentleman doubted the good effects which would follow from drainage. The Bedford Level act had enabled a large district to be brought into cultivation, which must otherwise have remained waste. It was the duty of government to shew some attention to the state of Ireland. He did not deny that there had been some improvement in Ireland since 1800, and in particular a great increase of produce. But, he fearlessly said, that of a considerable portion of that improvement he was himself the author. Within a month after he had come into office in 1806, he had brought in a bill to open the corn intercourse between the two islands, and to that bill, in a great measure, was the increase of the produce of Ireland attributable. But he had seen no measure since introduced to follow his example. He contended that Ireland had a claim on this country, at least to an advance of money for public works, as a large proportion of the wealth of Ireland was brought over to this country and expended here. The people of Ireland would not need this assistance if the rental of that country was left there; but England drew from it the landholders, who gave to the people of this country the benefits which they should confer on the people from whom they derived their revenue. He was far from denying that Ireland had improved within the last few years; but her progress would have been much greater had all her resources been rendered available. The right hon. baronet proceeded to advocate the project for bringing into cultivation the bogs and waste lands of Ireland. It was absolutely necessary that something should be done to remedy the evils of Ireland. He hoped they would take the situation of that country into their serious consideration, before the remedy would come too late. He had no desire to mingle politics with this discussion, but he could not refrain from saying, that until peace and tranquillity were established upon a solid basis in Ireland, it would be idle to expect that capital would flow into that country, or that the means of employment would be afforded to a large proportion of its population.

Mr. *Leslie Foster* said, he agreed with his hon. friend, the member for Derry, as to the general impolicy and utter hopelessness of the attempt, on the part of any government, to employ the population by advances of public money, and was convinced that any such attempt would ultimately occasion far more misery than it would prevent. He could not, however, assent to the proposition, that in no case it was expedient that the government should, by a moderate expenditure of public money, encourage individuals to invest their capital in enterprises of public utility. That was the object of this petition. Nobody could doubt that it was desirable to repress the vain hope, that it was possible to employ one or two millions of Irishmen. He did not go further than to contend, that within moderate limits it might be expedient for the sake of occasional employment, to advance small sums in order to encourage the investment of great capitals by individuals. But, in this case, the petitioners only asked the House to remove those impediments which the state of the law and the circumstances of Ireland interposed in the way of the cultivation of the country, and which required not the expenditure of a pound of the public money, but simply an act of parliament. The petitioners in the first instance, recommended, that roads should be opened to those tracts in the western and southern coasts of Ireland, which would give access to the fisheries; and he could speak from his personal observation, as well as on the authority of the reports of the engineers, that never was money expended which had returned such great interest. Tracts of mountain, formerly waste, were now in a high state of tillage; and parts of the coast where fish were never caught, had become scenes of active and animated industry. As he had been one of the commissioners who had inquired into the state of Ireland, the impression was the stronger upon his mind. He would state, for the information of the House, that no fact was better established, than that no serious impediment, either financial or agricultural, prevented the reclamation of the bogs. The commissioners had employed ten engineers for four or five years; who during that time were engaged in surveying the waste lands of Ireland. They were employed, in different parts of the country, and at a distance from each other, but in the end, without any communication between one another, these engineers, with a single exception, agreed that those waste acres, where they cost in their reclamation, from 1*l.* to 20*l.* would make a return of from 15 to 20 per cent upon the capital expended. The hon. member, after adverting to the impediments, from individual interests and rights, in the way of reclaiming the bogs and waste lands, said he agreed that the removal of such impediments, by a legislative enactment, would be highly advantageous.

Mr. *V. Fitzgerald* was satisfied, that the reclaiming of the bogs and waste lands of Ireland, while it would afford, in its progress, employment to a considerable portion of the population, would finally be attended with the most beneficial results. As a sincere friend to Ireland, his most anxious wish was, that means should be devised for effecting the object contemplated by the petition.

Colonel *Trench* advocated the propriety of giving employment to the people of Ireland. He felt himself compelled to differ from a part of the statement made by his hon. friend the member for Londonderry; for he could point out to his hon. friend, a population in Ireland, the state of which would be disgraceful to a waste in Africa. He knew that hundreds of families in that country even in the neighbourhood of county towns—the tenants of individuals who were as remarkable for their attention to their English, as they were for their disregard of their Irish tenants, — were plunged in the deepest distress. It had been argued, that no assistance of the description asked for should be granted to Ireland, because the capital thrown into that country would be wasted on jobs. Now, however good, as a general principle, it might be, not to advance the public money for such purposes, still he would say, that Ireland was a country to which that general principle was not applicable. He asked no more for Ireland, than that the same assistance which had been granted to Scotland should be extended to the sister country. The present was the moment when that assistance would produce infinite advantage. Let the House place what guards on the public bounty that to them might seem proper: but he called on them to give that assistance to Ireland which would be the means of rescuing her population from the utmost misery.

Mr. Secretary *Peel* said, he could assure the hon. member for Armagh, that his absence when the hon. member presented this petition did not arise from any indifference as to the object to which it related. In an interview which he recently had with the hon. member, he had stated that he was much interested in the situation of Ireland, and he thought he had said sufficient to remove a contrary impression. In his opinion, any advance of the public money, for the improvement of Ireland, ought to be directed with great caution; because he thought when the public money was granted with lavish hand, and without due circumspection, it encouraged habits in that country that produced the worst consequences. It taught individuals to consider themselves as freed from any responsibility, as to the amelioration of the country; it led those who had money, and who did not make any personal exertions for the improvement of the state of the people, to withhold that aid which, if the public money were not advanced, they would perhaps be inclined to afford. In another point of view, the lending the public money ought to be looked at with extreme caution; because it might lead to great peculation in the appropriation of the sum advanced, and thus eventually produce more mischief than good. But all these doctrines must be received with qualifications. It could not be laid down as a general maxim, that the public money should never be advanced for the furtherance of such objects as were mentioned in the petition. Not a few instances might be adduced where the appropriation of the public money to such purposes had been beneficial to this country, even admitting that the whole burthen of the advance had fallen upon her. It appeared to him that public money might, in a variety of instances, be usefully appropriated in the improvement of Irelamd; particularly in opening channels of communication between remote parts of the country, and forming roads in mountainous districts,—improvements on which the money of private individuals would never be laid out. He recollected a part of the west coast of Ireland in which there were a number of places almost inaccessible, on account of the extreme badness of the roads. The grand jury had the power to assess the county, for the purpose of raising a fund to remedy this evil; but they declined to exert that power, feeling, perhaps that they would not be justified in applying the money of the county, which it was their duty to watch over, to a purpose more of a local than of a general nature. But that House, at the instance of government, did apply a portion of the public money to that work, and he believed it had repaid the outlay many per cent, by calling forth a degree of industry and energy, which never would have existed but for the employment that was thus afforded; and above all, by inducing those habits of persevering labour which never could be inculcated in the absence of active occupation. In addressing themselves to this subject, they ought to recollect, that the best way of preserving peace and tranquillity, was by encouraging industry. If, by pursuing that course, they prevented riot and disturbance, they benefitted themselves in a pecuniary point of view, because they were thus relieved from the expense which would otherwise be incurred in maintaining tranquillity. In many parts of Ireland, the government was put to a greater expense in maintaining a military force to preserve tranquillity, than would have been incurred if the same end had been sought to be attained by opening lines of communication between different places, and thus promoting active industry. This was a subject to which the attention of the lord-lieutenant had been directed, and he had that morning received a letter from the noble lord, offering his personal assistance in superintending the appropriation of any money that might be devoted to the improvement of Ireland, with a view to its proper expenditure. He admitted that extreme caution ought to be adopted in the application of the public money to projects of this nature, not only with a view to economy in the expenditure, but to prevent persons from falling into the too prevalent error of not relying on their own energies; but he thought that the proposition of his hon. friend, the member for Louth, in the principle of which he agreed, would tend very much to obviate any difficulty connected with the appropriation of a portion of the public money. With respect to the general plan stated in the petition the first thing to consider was, how they could best remove any impediments which might appear to be opposed to its progress. It was proper that the private rights of individuals should be respected, and an opportunity given to every one interested to protect his peculiar rights. Care should be taken, that productive lands on the banks of rivers through which the necessary drains were carried, should not be injured. But looking to the course adopted in the great drainages in this country, he could not conceive, although local difficulties might present themselves, that by perseverance and caution, and not expecting too much at first, considerable good might be effected. That the plan would be attended with difficulty, he admitted. The greatest would unquestionably be, to guard against the invasion of private rights. That, however, with proper care might be overcome: and, considering the great importance of a general drainage throughout the country, he conceived that any gentleman who undertook such a project would be entitled to the public thanks. With respect to the enclosure of bogs, it presented greater difficulties than to a general drainage act, on account of the necessity of guarding the interests of the lower class of tenants who resided near those bogs. But he conceived that a tenant on the margin of a bog, who had the privilege of driving twenty or thirty head of cattle [upon it, to procure such scanty pasture as it afforded, possessed a right that was worth very little, and which could easily be settled by arbitration or mutual compromise. He thought it would fully satisfy the tenant if he received 4*l.* or 5*l.* a year for his interest. The boundaries to which such rights extended should be clearly pointed out. The utmost facility ought to be given for determining those boundaries precisely. The greatest difficulty would arise, if such rights were left unsettled until after the improvement had been made. As the country improved, the difficulty of arriving at a satisfactory settlement would be increased; and by and by it would be almost impossible to do that which might now be easily effected. If the boundaries were now determined, it would form the foundation of a permanent settlement hereafter. Nothing could give so much stability to a project for an enclosure of land, as a proper settlement in the first instance. Whether that settlement should be made under the direction of arbitrators, of commissioners, or in what other way, were points of great nicety. Those difficulties ought not, however, to prevent them from looking the subject fairly in the face; because it was a matter of very great importance to get into cultivation two or three millions of acres of land, naturally fertile, but which had become almost useless. He understood that that species of soil, of manure, which was most applicable to the reclamation of lands of this description was found on the borders of the bogs in very great abundance. In conclusion, he begged to repeat, that nothing could be more fortunate for Ireland than that, in discussing a question of this sort, they should throw aside all political differences, and unite in promoting the prosperity of that country.

Mr. *H. Grattan* said, that so far from the country having increased in prosperity since the Union, it had been ruined, and was miserable to a degree, almost beyond credibility. The decline of the revenue proved the state of Ireland. Mr. Foster, when chancellor of the Exchequer for that country, had stated the revenue to be seven millions; last year it was only 3,400,000*l.* In 1815, Ireland broke down under her burthens; she became bankrupt, and took the benefit of an Insolvent act from that House. No Irish gentleman could deny the benefit of reclaiming the bogs. It was proved, that bog not worth two-pence per acre, would, when reclaimed, produce two guineas an acre. He denied that Ireland was in a prosperous state. The contrary was the fact. Numbers of the people were dying of starvation, or of fever occasioned by want of proper nutriment. If the country was in such a prosperous state, why did they vote in 1828, 15,000*l.*, and in 1826, 19,600*l.* for the support of fever hospitals? In 1827, when he and a deputation went up to congratulate the marquis of Anglesea on his arrival in Ireland, there were supported by the Mendicity Society of Dublin, no less than seven hundred and eighty-eight individuals, mostly tradesmen; and the other charitable establishments were equally burthened.

Mr. *Moore* said, that the fact, he believed, was undisputed, that Ireland presented the frightful calamity of an excessive unemployed population. Various suggestions had, from time to time, been made, with a view of improving the condition of the people. He agreed in many of the observations which had fallen from the hon. member for Louth, and the right hon. Secretary, that it would be unwise in all cases to grant public money to Ireland, but that it might be advantageous on some occasions so to do. Money, he thought might be advanced to individuals for the cultivation of waste lands. One observation he wished to impress on the mind of every member. A great deal of money had been advanced in Ireland out of the consolidated fund, to individuals on good security, on works of public utility, though undertaken for private benefit. He would recommend that, in like manner, the commissioners by whom these advances were made should be impowered to advance money to the proprietors of bogs and waste lands, for the purpose of reclaiming and improving them. Two facts were incontestibly proved, namely, that Ireland had a population pressing for employment which it could not obtain; and that the country had natural resources capable of giving employment to the population, if they could be made available. Last session he had reminded the House, that, considering the facilities of intercourse between the two countries, the condition of the peasantry could not long remain dissimilar. The question was, whether they would raise the peasantry of Ireland to the condition of the peasantry of England, or reduce the peasantry of England to the level of the peasantry of Ireland?

Mr. *O'Brien* complained of the duty levied upon coals, imported into Ireland, being doubled since the time of the Union.

Ordered to lie on the table.

SMITHFIELD MARKET; —PETITION FOR REMOVAL OF.] Mr. *R. Gordon* presented a petition from upwards of 1,400 merchants, bankers, and inhabitants of London, complaining of the present condition and management of Smithfield, and the places appropriated to the slaughtering of cattle. The hon. gentleman entered into an examination of the present condition of Smithfield Market, and observed that its present situation rendered it objectionable upon several grounds. The first was, the manner in which the cattle were driven, with blows and execrations, through the streets of the metropolis, to the great danger of its inhabitants. The second objection arose from the system of driving the cattle into London on a Sunday evening, and keeping them penned up, without food or water, and in a state of the greatest torment, until Monday. Another objection to the present state of Smithfield was found in the confined nature of the ground allotted for the reception of the cattle. Two days in every week there were collected in an area of little more than three acres, as many beasts as amounted to one hundred and fifty thousand, and as many sheep as averaged one million, three hundred thousand every year. He would not stop to dilate upon the tendency which the wanton infliction of cruelty upon animals had to render men prone to the commission of crime, but he would observe, that the accounts of the treatment of cattle in Whitechapel and other places were calculated to excite disgust and horror. It was said that sheep were thrown down through open trap-doors into places in which the blood and filth covered their legs.—So much with regard to the grievances which the petitioners complained of as far as the animals were concerned. There were other inconveniencies also. It was the business of all good governments to economize food; if, therefore, it could be shown that the present system caused a diminution of food, the government ought to entertain the petition. It had been calculated, that by the blows and bruises inflicted upon the cattle, the country lost food to the amount of between 60,000*l.* and 70,000*l.* a year. This bruised meat, too, was sold to the lower orders; and the living upon such food was known to give rise to fevers and other disorders. The petitioners merely asked for the appointment of a committee to inquire into the truth of the statements which they had made; and, in the event of these statements being proved, they were ready to raise, from their own funds, a sufficient sum to establish a better system; to construct the markets differently, to establish slaughter-houses like those of Paris, and to remedy all the inconveniencies now complained of. He thought the economizing of food a very important point. They all knew that in Paris no part of the beast was lost. The horns, the hoofs, the blood, the bones—every thing was turned to account. Oil was extracted, in Paris, even from that part of the offal, which, in London, was looked upon as a nuisance. This could only be done where large establishments existed; because it was necessary that the process should commence immediately after the slaughtering of the animal.

Mr. Alderman *Thompson* said, that though he was in the city six days in the week, this was the first time he had heard of the petition. It was a question of the greatest importance to the corporation of London, who owned no less than fifty markets; and also to the owners of houses in Smithfield. He was therefore surprised, that in a question which involved the private property of so many individuals, the hon. member should propose going into a committee without giving the representatives for the city an opportunity of being heard upon the petition. The corporation of London had spent large sums upon Smithfield-market, and had lately given 150,000*l.* to defray the expenses of removing Fleet-market, and making a more convenient access to it. As to the cruelty exercised in driving cattle to market, there were acts which made it necessary that every drover should wear a badge, in order that, if guilty of any cruelty, he might be taken before a magistrate. He believed, too, that cattle were not driven to market on Sunday, but early on Monday morning. He could not help thinking that this petition, had been got up by some of those persons who were adepts in getting up Joint Stock Companies. He could not help thinking that the inquiry was to further the views of individuals, seeing that so little publicity had been given to the matter.

Sir *H. Parnell* said, that the subject had occupied public attention during the whole of the spring, nor was it so little known as the hon. alderman seemed to suppose. It was not proposed by the petitioners to interfere with the interests of the corporation of London; their object being only to remove a most offensive nuisance. He had himself been in Paris in the course of the last winter, and could bear testimony to the excellent plan on which the *abattoirs* were conducted. Nothing could be more perfect, both as it regarded cleanliness and arrangement, and he thought the example worthy of imitation.

Mr. *Martin* said, that the inconvenience and danger of driving cattle through the streets of London must be apparent to every one. On a market-day, a man might as well walk in a country cattle-fair as from Ludgate-hill to Lombard-street. He believed that the opposition to the removal of Smithfield-market arose principally from persons who, because they had kept public-houses in the neighbourhood for some years, fancied that they had chartered rights, and that the public was to be put to the greatest inconvenience in order that those rights might be preserved. He hoped the House would take measures to get rid of this nuisance.

Mr. *Robinson* suggested, that there was no occasion for a committee to inquire into the inconvenience of driving cattle through the streets, because that was well known to every body. Let the hon. member bring in a bill at once for the removal of Smithfield-market.

Mr. Secretary *Peel* said, he certainly could not congratulate any gentleman upon his task, who, at that late period of the session, should undertake to carry a bill through parliament, which should remove Smithfield-market, provide another, and settle all the claims for compensation of the parties concerned. He did, however, think that the proper course would be, to give notice of a motion for the appointment of a committee, and not make such a motion then. He had read the petition, and thought that a committee ought to be appointed to inquire into the statements it contained. For instance, the grounds upon which the nice calculation respecting the loss of meat from bruises, seemed to him to be worth inquiring into. He had received a letter from the master butchers, who were in the greatest alarm, and begged of him to oppose the prayer of this petition. He had assured those gentlemen, that nothing should be done without giving an opportunity to every party of being heard. It was impossible to look at the state of Smithfield-market and not say, that it would be very unfortunate if it must be continued. He did not consider it an objection, that these individuals had come forward with a view to their own private interests. Government, in this country, could not take charge of such institutions; they must be left to individuals as a great many others were; and if any set of individuals could effect a great public convenience, of course they ought to be remunerated for it. At the same time the rights of individuals ought to be taken care of; and it would be better if the hon. member would give notice of a motion for the appointment of a committee.

Mr. Alderman *C. Smith* said, he should be glad to know who were the merchants and bankers that had signed this petition. In his opinion, there was a strong feeling in the city against it.

Mr. *P. Thompson* thought it would be advantageous, if a system similar to that of Paris was introduced in London. Every capital in Europe but our own, had its slaughter houses without the city.

Mr. *Spottiswoode* stated, that these markets were the property of the city of London, and any disposal of the property of others involved grave consideration. The subject was one that should be left to private speculation.

Mr. *Gordon* gave notice that, on Monday, he would move that "the Petition be referred to a Committee."

Ordered to lie on the table,

SAVINGS BANKS.] Mr. *Pallmer* rose to move "for leave to bring in a Bill to Consolidate and Amend the Laws relating to Savings Banks." In bringing forward this motion, he felt it unnecessary to apprise the House of the importance of the subject. He need only remind them, that whilst on the one hand it embraced the interests of nearly half a million of that class of his majesty's subjects who were peculiarly entitled to the protection of parliament, it involved, on the other hand, a consideration of nearly 16,000,000*l*. of the public debt. With respect to those who were the objects of these institutions, it must be obvious, that the laws which affect these institutions ought to be as clear and distinct as possible. For the sake of the public interest it was obvious, too, that under the particular circumstances of the country, it was highly inexpedient that its revenue should be diminished by an excessive payment of interest upon any part of its debt. At present, there were no less than five acts of parliament regulating the institutions to which he referred, containing upwards of one hundred and fifty clauses, involved in a great deal of perplexity and confusion. His object was, to reduce those regulations into one simple and consolidated act of about thirty or forty clauses. With regard to the revenue, it was his object to afford to parliament an opportunity of considering whether they were not making too great a sacrifice in paying an interest of 4*l*. 11*s*. 3*d*. upon this large portion of the public debt, whilst the interest paid on the general funded and unfunded debt of the country were so much lower. There were other points, too, of great importance connected with the interests of these institutions, which, under the present acts, remained subject to great doubt and uncertainty. He meant the respectability of trustees, the surplus fund, and the class of contributors to be admitted. In the hope of embracing all the objects he had mentioned, he was ready to use his best exertions.

Leave was given to bring in the bill.

SMALL NOTE CURRENCY—CIRCULATION OF SCOTCH NOTES IN ENGLAND—ADJOURNED DEBATE.] On the motion of the Chancellor of the Exchequer, the debate was resumed upon the Amendment made, on the 3rd of June, to the motion, "That leave be given to bring in a Bill to restrain the negotiation within England of Promissory Notes and Inland Bills of Exchange, under a limited sum, issued by Bankers or others in Scotland or Ireland:" — which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words, "a Select Committee be appointed, to inquire into the State of the Circulation in Promissory Notes under the value of 5*l*. in England, and to report their observations and opinion thereupon to the House, with reference to the expediency of making any alteration in the Laws now in force relating thereto," instead thereof.

Mr. *Davenport* said, that the question, as stated, seemed simply to him—whether the public should or should not be compelled to pay their publick and private debts in a currency of higher value than that in which they had contracted them. It was a question between the payers of taxes and the receivers of them. He had himself no trading connexion with the issue of paper in question; but he thought its continuance essential to the well-being of the country. His hon. friend, (the member for Radnorshire) was a political economist. He should like to hear that hon. member explain how it was, that there were at the same time masses of capital lying idle in the country, and millions of people out of employment?—How was it that the labourer was in rags, or naked, and the loom silent, because no market for its products could be found? The solution was, that a link in the great chain of national prosperity was wanting—the link of credit. The country banker, who formed that link, was almost wholly driven out and destroyed. The currency in circulation, he maintained, was not sufficient for the purposes of trade; and he was sur prised to hear the chancellor of the Exchequer state, that the money circulation amounted to 65,000,000*l.* It might be, that there were twenty-two millions of sovereigns coined; but it did not appear how many of these were melted down, how many exported, and how many of them had found their way, as he believed many of them had, to the bottom of strong boxes, awaiting an opportunity of being advantageously employed. An argument, *ad captandum*, had been made use of to depreciate the advantages of country banks; namely, the insecurity that arose from their failure; but their failure was not an event of every day occurrence: the panic of 1825 was not, it was to be hoped, to be expected frequently. Besides, he denied that the lower orders suffered severely from those failures. He knew an instance which proved this. In his own neighbourhood, a bank had failed for 40,000*l.*; he made inquiry as to the extent of suffering which that failure had brought upon his neighbourhood, and the result of the inquiry was, that the poorer classes had sustained no injury from the failure: the truth was, that this class had seldom 20*s.* to spare from their wants. This bank afterwards paid 18*s.* in the pound. The hon. gentleman next adverted to the act of 1819, usually called Mr. Peel's act; which, acquitting the right hon. gentleman, as he sincerely did, of evil intention, had had the effect of bringing more of suffering and misery upon the country than any acts that had been passed by any ten ministers who ever sat in that House. Whilst he acquitted the right hon. gentleman of any evil intention, he regretted that, when he saw the evil consequences of his measure, he did not lend a hand to remedy them. The hon. member then adverted to the increase which had taken place in the salaries of ministers some years back, in consequence of the depreciation of the currency, and observed, that though that depreciation had ceased nine years ago, the increased salaries still remained. When he had mentioned this last year, the right hon. member for Liverpool, had asked, whether he thought ministers were too well paid? He had not meant to say they were, but he thought they ought to have put the increase on the right ground—that such increase was necessary, not merely in consequence of an alleged depreciation in the currency. It had been urged as an objection to the proposed inquiry, that it would disturb the public mind; but what was this public mind which they should be so much afraid of disturbing, as to allow it to stand in the way of the public interest? Was it any thing connected with the price of stocks, or with stock-jobbing? But, whatever it was, he thought it ought not to stand in the way of an important inquiry. But the right hon. member who used this argument had said nothing about the contradictions in his own avowed opinions upon this subject at different intervals.—The chancellor of the Exchequer had argued the question on the ground of expediency. He (Mr. D.) would argue it on that of justice, and would contend, that the course about to be pursued by government, would be a direct infraction of the pledge given in 1822, that the public should be allowed the power of paying their taxes in a cheap currency, until the year 1833. He would not deny the right of government to oppose the circulation of a particular kind of currency; on the ground that it would be mischievous in its effects;—but, in the present case, to call for support to the course they took, they should establish two conditions: first, they should prove that the present paper circulation was injurious, by positive evidence, not by the assertions of this or that member of the ministry. The second condition was, that they were bound to give an equivalent for the currency they proposed to subtract. Neither of these conditions did they offer. They only spoke of the impediments in the way of inquiry as far as it related to England. But those impediments were not heard of in the case of Scotland, and for five and forty substantial reasons. He did not blame the members of that country for attending to what they considered their own interests. In that respect they were certainly more united than the English members; but he warned the right hon. gentleman not to calculate upon the same support, in any measure opposed to those interests; for if he should venture to cross to the north bank of the Tweed, with such a measure as this in his hand, he would find the whole of those members opposed to him with fixed bayonets, and himself and his bill would soon be at the bottom of the river. If a committee were appointed, it would be found that the one-pound notes were not the cause of the late panic, but the ministers themselves, by their neglect of the state of the exchanges. They had encouraged that spirit of speculation, of the effects of which they since complained. He contended, that ministers could not give a fair equivalent for the notes they withdrew from circulation; for a sovereign in gold was not a fair equivalent for the cheap and easily borrowed one-pound note; and also that it would be injustice to those who were burthened with 800,000,000*l.* of debt, contracted in a cheap currency, to say, that the taxes to pay the interest of that debt should not be in a similar currency. In conclusion, he expressed his satisfaction at finding that the extract from Mr. Locke, which his hon. friend had read the other evening, and which he himself had introduced last year, should have been received with so much satisfaction by the House. It would be his turn to read it next, and he hoped when it was read the third time, it would be with still greater effect.

Mr. *Denison* declared, that upon the best consideration he could give the subject, he felt himself bound to vote against the proposition of the hon. member for Carlisle. As the Bank restriction of 1797 had been alluded to, and as he was one of the few members then in the House who had participated in the discussions on that measure, he hoped he should be excused if he said something respecting it. When that measure was proposed, the objection that had been made to it was, that if an extensive issue of paper were carried into effect, it must necessarily depreciate the standard of our currency. That anticipation had been verified by the event. The standard had been silently and gradually depreciated. It had been in vain contended, that all bad governments, from the time of the French committee of Public Safety back to the reign of Louis the 14th, and up to the Roman republic after the first Punic war, had adopted similar expedients. The arguments which he and others had used against the measure were of no avail; for an immense majority were in favour of it. It was carried; and it led to results glorious, no doubt, to our arms, but ruinous to our finances. He regretted much, that when the right hon. gentleman (Mr. Peel) and others were endeavouring to find a remedy for the system in 1819, they had not resorted, when they found the currency so depreciated, to that of altering the standard. Such a measure would have prevented the ruin of the farmer, the tradesman, and the artisan; or at least it would have diminished the pressure upon them. The cause of all the evils we had endured, was the fatal policy of contracting a large debt in one description of currency, and trying to pay it in another. He might be asked why, if he felt this so strongly, if he was so convinced of the expediency of altering the standard—he had not himself brought forward such a proposition? The truth was, that the question was one of such difficulty, that he might well be pardoned for having shrunk from it. But it was well known to many hon. members, that his hon. friend, the late member for Coventry (Mr. Ellice) and himself had, in 1819, bestowed great attention on the subject, with a reference to bringing it under the consideration of the House; but they had found it a matter of such difficulty that they shrunk from it; and also that they could not agree with respect to the exact proposition which it would be expedient to make with reference to the change in the standard. He had been of opinion that 4*l.* 10*s.* or 4*l.* 15*s.* would be a fair standard to propose; while his hon. friend, the member for Coventry, thought, with a noble lord in the other House, that 5*l.* 5*s.* or 5*l.* 10*s.* would be preferable. The current however, appeared to run so strong, against either proposition, that it had been abandoned.—His reason for opposing the committee proposed by the hon. member for Carlisle was, that if such a committee were granted, it could come only to one of three determinations; first, that we should continue to go on as we were going on at present; secondly, that we should go back to a paper circulation; thirdly, that we should alter the standard. It was impossible now to think of altering the standard. To go back to a paper circulation would be equally dangerous. We had struggled through our difficulties, and had almost got to the last of them. It was proved, that, at most, there were not three millions of small notes in circulation. Now really he could not think that the gradual withdrawing of those notes from circulation could be productive of any alarming consequences. If, however, a fresh paper currency were issued, what must be the inevitable consequence? To raise prices, and to drive all the gold out of the country. In that case, on the very first panic, arising either from civil commotion or from the apprehension of foreign war, recourse must be had to another Bank restriction; we should have a large paper circulation, not founded on a gold currency, and should have again to undergo the evils through which we had nearly struggled. The disposition of the country banks to issue small notes had been greatly exaggerated. He was acquainted with several country bankers in the north of England, and he knew that they considered it dangerous to issue one-pound notes to any great extent; because, in the event of a panic, such an issue compelled them to sell out of the funds at any sacrifice, to support their credit. In fact, some of them had, under such circumstances, sustained losses to an amount which he would not mention. He was persuaded that the only course which ought to be adopted was, to persevere in our present system. Any departure therefrom would involve the country in confusion. He was aware that there still existed considerable distress; but he was persuaded that the only way in which that distress could be alleviated was, to take every possible means of diminishing the public burthens.

Mr. *Leslie Foster* asked, what it was they were called on to do? To find two millions and a half of gold circulation. He denied that they were called on to contract the currency. Whatever might be the present amount of our circulating medium, be it sixty-five millions or more, all that was requisite was, in particular districts, to find, for the small notes to be withdrawn, a compensating quantity of gold circulation, aided by notes of a higher value. We already possessed a gold circulation of two-and-twenty millions. Notwithstanding the mystery which had been thrown over the subject, there were *data* to prove that such was the fact. This mystery had originated only since February, 1826. Before that period, we knew accurately how much gold was coined in the country, and how much was exported. If the House would refer to the statements of lord Liverpool, and the then chancellor of the Exchequer, they would find that, up to the period he had mentioned, the new gold which had been coined and issued, amounted to twenty-five millions. Of that amount it was calculated that seven millions had been exported, leaving eighteen millions in the country. It appeared, however, by the Custom-house accounts, that one million of the gold so exported had returned, making the amount nineteen millions. From that sum the only deductions were, the money carried in the pockets of the persons who visited the continent, and the money employed in smuggling; which was estimated by some at two, and by others at three, millions. So that, according to one calculation, the gold circulation at that period was seventeen millions; according to the other, sixteen. Now, it was well known, that in consequence of the favourable rate of exchange, an immense importation of gold bullion had taken place in 1826. The Mint was occupied in coining throughout that year; and the amount thus coined he understood was five millions. Now, if that was true, we had the 22,000,000*l.* which the chancellor of the Exchequer had declared was the amount of our gold circulation.—He wished now to say a few words with respect to the sacrifices and trials which the country had already gone. They were of two descriptions, and ought not to be confounded. The first were the natural consequences of that contraction of our currency, which was the inevitable result of the first operation of changing a paper for a gold circulation. This was one of the severest trials which the public or which private individuals could possibly have had; and it was enhanced by the reluctance with which many persons surrendered their gold after having received it. They hoarded it for some time in their coffers; and thus the slowness of the circulation rendered it inadequate to the wants of the community; for the efficiency of a circulation consisted not in its numerical amount, but in the velocity with which it moved. This, then, he repeated, was the severest of all the trials which the country had gone through, but it was unavoidable, if we meant to retain our high rank among the nations of Europe. That trial was, however, past, not to return; for no one could suppose that the substitution of between two and three millions of gold for so much paper could be productive of any extensively disastrous results.—But there was another difficulty in the substitution of a gold for a paper circulation, which, he admitted, was in kind common to the year 1819 and to the present time; with this difference, that it was at present only nine-tenths in degree. That difficulty was the expense of finding the gold circulation. When we returned from a paper to a gold circulation, we must necessarily be at the expense of again purchasing the gold of which we had got rid in the first instance. Whatever temporary benefit was obtained by the cheapness of the paper circulation, was, of course, lost, on returning to a gold coinage. For every pound of such coinage so repossessed, we must actually part with an equivalent amount of exports, without any return. It was the price which we were compelled to pay for the privilege of employing gold in our circulation instead of paper. He contemplated not only the convertibility, but the actual conversion, of the paper into a metallic currency. This would not depend so much upon any amount of treasure as upon the habitual consumption of the country. It would not depend upon any magic of the banking system, nor upon the hoarding up of gold. Such a notion was analogous to the old idea of providing food for the nation in distressed times, by establishing granaries and stores of provisions; but it was found that the best provision was in the habitual consumption of the country. The effect would be the same with respect to gold; for which they must not depend so much upon the Bank keeping stores of it in their coffers, as upon the habitual and extensive consumption or use of it throughout the nation. This would not only supply the gold wanted, but would also necessarily diminish the paper, and thereby have a double operation. When hon. gentlemen talked of this one-pound note circulation being a stimulus and facility to commerce, they should recollect how small a portion of those engaged in commerce or manufacturing pursuits had had recourse to it. This small paper was not found in London, Liverpool, Manchester, nor in any part of Lancashire; and therefore the aid which it afforded to manufactures and commerce could be but inconsiderable. He was sensible that, of the circulating medium of 65,000,000*l.*, 34,000,000*l.* was in paper; but if the proportion was to be destroyed, where was the line of safety to be drawn? They could not have a paper and a gold circulation at the same place. Lancashire must either give a lesson to Northumberland, or follow her example of having a paper currency. But there was no general safety but in the total extirpation of the first, which might otherwise take possession of the soil which was at present free from its encroachment. If they would complete the great national work which they had undertaken, they should show to the enemies abroad, and to the enemies within their own bosom, that England was able to resume the circulation of gold for every purpose she ever contemplated. He did not think, because this circulation was stopped in England, it followed that it ought to be stopped either in Ireland or Scotland. He would deny that any such analogy existed between the three countries. England was rich, and the small part of her circulation which consisted of this species of currency rendered her a proper country for the trial of the experiment.—Scotland was less wealthy.—Ireland was poor; and almost the whole of her circulation was in small notes. He did not know the exact amount of the one-pound notes in circulation in Ireland; but this he knew, that the proportion was prodigiously greater than in England. It was not proper to call upon Ireland to make so much greater a sacrifice than England. This observation also applied to Scotland. This latter country had gone on for a long time under the one-pound note system, without any risk. It was impossible, however, for Scotland or Ireland not to see the necessity of ultimately resorting to a permanent system, which would exclude the circulation of the small notes; and he hoped that that period would soon arrive with respect to Ireland. If the abolition of small notes succeeded in England, it would be time enough to try the measure in Ireland. It was not required to make a new law by the present measure; but only to give full operation to a system which had already been adopted.

Sir *J. Wrottesley* said, he was at a loss to know on what grounds the hon. member could pronounce a measure to be so beneficial to England, and then argue that it ought not to be extended to Ireland and Scotland. He might be a good authority upon the affairs of Ireland, but he took too much upon himself when he pretended to pronounce the time at which the notes might, with propriety, be withdrawn from Scotland. He should give his vote under the impression for the continuance of the one-pound notes in circulation. Were a committee granted, the question of depreciation should not be discussed. Had he been in the House in 1819, he should certainly have wished for a higher standard than was at that time adopted, and by which a great deal of inconvenience would have been saved to the country; but he would not depart from the pledge then given to the country, unless some extraordinary circumstances of distress should render it expedient to do so. He could state on the part of the Bank, that nothing would give them greater pain than a recurrence to a circulation of one-pound notes; more especially now that the public securities were at so low a price. The same feeling existed in four-fifths of the English counties; and so far from having any wish to issue one-pound notes, at the two meetings held upon the subject, the point was not even allowed to be discussed. The Master of the Mint would do him the justice to say, that, as the organ of those meetings, he was adverse to the circulation of such notes, and he had only felt himself bound in duty, as the representative of a manufacturing interest, to advocate in parliament a contrary measure. If the one-pound notes were to be withdrawn from circulation, a time never did exist at which it could be done with so much propriety as the present. He thought that, if the country bankers were to be restrained from circulating notes under five pounds in value, the Bank of England ought to be prevented circulating any smaller than ten pounds. Although he would allow that the amount of one-pound notes in circulation was not very large in comparison with the general circulation of the kingdom, yet he was convinced that they were extensively diffused amongst the manufacturing part of the population; and the withdrawing of them would, in some districts, be attended with considerable inconvenience. The chancellor of the Exchequer had stated, that the total circulating medium of the kingdom amounted to sixty-five millions; but in making this estimate he had omitted the circulation of all bills of exchange, and promissory notes of every description. These bills of exchange and country bank notes could not amount to less than twelve millions. To this must be added all bills in the possession of the Bank of England, of bankers, and of bill-holders. He was almost afraid to estimate the amount; but he would state it at twenty-three millions. This would make the whole circulating medium of the kingdom amount to one hundred millions. Taking this as the fact, at what had the chancellor of the Exchequer estimated the amount of the one-pound notes? He had taken the gross amount at two millions and a half in England; and had asked, what inconvenience the country would feel in withdrawing so small a sum from the general circulation? With deference to the right hon. gentleman, he thought the argument lay the other way, and would ask, what inconvenience could possibly arise from allowing so small a sum as two millions and a half to remain in a general circulating medium amounting to one hundred millions? The proportion was so small, that he did not see the necessity of injuring, alarming, or disturbing, any district, interest, or class of men, by agitating the question. He was sorry that the right hon. member for Liverpool was not in his place, upon a question on which he was so intimately acquainted. He totally denied that if the present measure were not carried, unlimited issues of paper in small notes would take place. He thought that a rise of prices or an increase of the business of the country would require an additional quantity of notes. If the ports of the world should again be thrown open to our trade, the present circulation of the country would not be sufficient for its business, and such an occasion alone would justify the circumstance of an increase of the circulation by the means of an issue of notes. The security to be afforded by the bankers, in the event of such an issue, was a matter of importance. Some years ago, when the Bank of England was not able to pay its notes in specie, the country bankers had been asked to give security for their issues, and they had refused to do so, observing, that they would furnish security when the Bank was prepared to pay in specie. Their situation was different now; and if notes should again come into circulation they would be prepared to afford the best security. Let them, however, do what they might, it would be but an act of justice to allow the country bankers to state the circumstances to which they had been reduced, in consequence of the withdrawing of the one-pound notes. He would, upon that point, state one or two facts, with regard to the state of those large districts where the working of iron and coal mines kept an immense body of men in employment. In those places scarcely any labourer received his wages in money. They were paid in goods; and so rigidly was that system pursued, that if a man wanted money for any particular purpose—such, for instance, as that of paying his rent—he was obliged to take his wages in goods, and to dispose of the goods before he could touch one particle of the metallic currency. He had also inquired into the state of these matters in the large manufacturing towns, and he found that among them an immense quantity of copper was in circulation both genuine and spurious, and the retail dealer was so anxious to get rid of that copper, which he was obliged to take in payment for his articles, that he would dispose of it for bills at seventy-five days after date, in order to procure money for the purposes of his business. Another evil of the present state of the currency was, that in those parts ten sovereigns out of every hundred were of light weight; and those who had no scales to weigh the money presented to them in payment, suffered a great inconvenience. These were facts that could be brought in answer to the fanciful and nonsensical theories of modern times. There was a small quantity of silver, but it was of little value in remedying the inconveniences he had referred to, for if paper would not circulate with gold, still less would silver circulate with base copper. In voting as he should do for the committee, he was certain there were many objects, into which it could inquire, that were well worthy the serious attention of the House.

Mr. Secretary *Peel* said, he cordially concurred in the observation of an hon. member, that it would ill become them to speak too dogmatically upon matters of such great moment as those which the House was now engaged in considering. The facts to be collected were so numerous, so widely spread, affected the interests of so many, and were composed of such various elements, that that man must indeed entertain great confidence in his own judgment, who could make up his mind conclusively, on the whole bearing of the question. The hon. gentleman had alluded to the resolutions which parliament had come to, as a proof that they should abate their confidence; and in that also he agreed with the hon. gentleman. But while he admitted those positions, he must say that nothing could give rise to more serious evils, than keeping the public mind in a perpetual state of uncertainty, as to the intentions of the legislature. If they resolved at one time that the issue of small notes should cease, and at another time that they should continue,—if they went on vacillating between one course and another, and finally gave up the principle to which they had repeatedly pledged themselves, the country would not place any reliance on their decisions. He concurred with the hon. baronet in thinking, that the question before the House ought not to be decided upon the ground of consistency: it was their duty to regard it on the higher ground of expediency; but the evidence of expediency should be very clear, that could warrant them in retracing their steps, and undoing what they had done, with respect to the issue of small notes. He would argue the question in that calm and dispassionate manner which became the discussion of such subjects, while he endeavoured to show, that there was no such evidence of expediency as ought to induce them to retract the decision they had come to in 1826. He would address himself to the arguments adduced by many for whose opinions he entertained the highest respect, though he could not agree with them in thinking that we should retrace our steps, or, what was still worse, enter into an inquiry, the effect of which would be, to throw every thing into a state of uncertainty and confusion.

The first argument to which he would advert, it was, perhaps, hardly fair in him to refer to, as it had been urged on a former evening, by the hon. member for Callington (Mr. Attwood) on presenting a petition. That hon. member had stated, that the country was reduced to such a state of distress, that she could not maintain her dignity in relation to foreign countries; that her resources were impaired, her productive energies suspended, that she was in a state of dissolution, and that her restoration to prosperity must be despaired of. There was nothing more unwise than to indulge in such gloomy descriptions of the country. He admitted, however, that gentlemen ought to be cautious how they prophesied future wealth and prosperity; and he remembered that, on former occasions, some persons, sitting where he then was, had been blamed for having indulged in too dazzling descriptions of our prosperity; but the other extreme was also to be carefully avoided, and the state of the country was not to be described under the influence of hypochondriacal feelings. He admitted that there might be some local distress, some districts in which trade was not flourishing; but he hoped to convince the House, that the country was not in the desperate condition represented. He could not admit that the industry of the country was paralysed by the withdrawal of the one-pound notes; for he saw no signs of it in our manufactures or in the state of the revenue. He believed, if any necessity were to arise for war, that the House need not despair of the country, that she would not be able to maintain that high character she had long enjoyed. He would decide the question by general facts; for he would not deny that there were districts in which the demand for labour was less than in others, and in which distress might be felt. If there were that general distress and impaired energies, there would be a falling off in consumption, a reduction of work, and a general diminution in the demand for those articles which supplied the wants of the people. Since the 1st of February, 1826, not one single country bank note had been stamped at the Stamp-office. Since 1826, then, they had been gradually reduced; and, if the ultimate reduction of them were to produce such evils as had been predicted by the hon. member, it was only reasonable to suppose, that the partial reduction which had already taken place, since 1825, should be attended with a diminution of production and consumption. A part of the evils pointed out by the hon. member ought now to be felt. But, what was the fact? Had that diminution been felt in the revenue? He would not refer to that, however, because members might say, that its amount was only a proof of the great pressure the country was labouring under. He would refer to articles of general consumption; and he would shew that no diminution whatever had taken place. He would compare the year ending the 5th April, 1825, with the year ending the 5th April, 1827. This was favourable to his view; for half of the year 1825 was a time of excitement, when the country was in a state of what the hon. member would, probably, call great prosperity. He proposed to take for the illustration such articles as strong beer, table beer, tallow-candles, wax candles, cyder, perry, malt, paper, glass, British spirits, and tea. He meant to compare the account of these articles consumed in the year ending April 1825, with the amount consumed in the year ending April 1827; and the result would show the House, that they were not justified in taking that gloomy view which the hon. gentleman had thought himself justified in taking. The following were the returns of the consumption in those years respectively:—

	1825.	1828.
Strong Beer	6,500,000	6,542,000 barrels
Table Beer	1,480,000	1,539,000 ditto
Tallow Candles	104,980,000	110,718,000 lb.
Wax Candles	959,240	923,000 ditto

In the last article, there was a falling off, but the consumption of the intermediate year, the year 1826, was 916,000lb. So that during the year 1827, there was an increase upon that of 1826, although the consumption was less than that of 1825.

	1825.	1827.	
Cider and Perry	22,000 hhds.	51,000 hhds.	
Plate Glass	14,096 cwts.	16,613 cwts.	
Total Glass Crown Plate, Broad Green,	516,000 cwts.	594,000 cwts.	
Malt	27,906,000 bush,	28,742,000 do.	25,340,000 (1827)
Paper	51,345,000 lbs.	52,304,000 do.	
Printed goods	116,000,000 yds.	122,000,000 do.	88,000,000 (1827)
Soap	93,000,000 lbs.	97,000,000 do.	
	April 5, 1825.	April 5, 1828.	Aver. of last 3 yrs.
British Spirits	3,913,000 gals.	7,330,000 gals.	5,000,000 gals.
Starch	4,961,000 lbs.	6,945,000 lbs.	
Tea	23,940,000 lbs.	26,900,000 lbs.	
Vinegar	2,357,365	2,800,000	

From this statement it would appear, that a considerable increase had taken place in every article, with the exception of wax candles; and the inference from these facts was, that the industry of the country in producing, and the comfort of the people in consuming, those articles, had increased in proportion. He would now pass to other topics which would illustrate his observations, and submit the following list to the House:—

Ships entering Inwards from all Parts—British and Irish.

	Tons.	Men.
Jan. 3, 1826.—21,786	162,614	162,000
1827.—18,960	151,327	151,000
1828.—20,457	165,548	165,000

Ships clearing Outwards—British Shipping.

	Tonage.	Men.
Jan. 5, 1826.	2,633,000	160,000
1827.	2,676,000	163,000
1828.	2,828,000	171,000

Value of Imports into Great Britain, at different Rates of Valuation.

Jan. 5, 1826	£42,600,000
1827	36,000,000
1828	43,467,000

Exports of Produce and Manufactures from Great Britain.

Jan. 5, 1826	£46,450,000
1827	40,000,000
1828	51,227,000

Looking, then, at all these general facts, he came to the conclusion, that there had been no falling off in British industry, and that therefore there was no reason for the gloomy anticipations of the hon. member for Callington. He came, then, to the questions involved in the motion, or rather in the amendment, of the hon. baronet. Was it desirable, or was it necessary, at this time, to lower the standard of value? As he understood the hon. baronet, his speech consisted of two distinct propositions: the first was, that the landed interest could not go on, unless the standard of value was lowered, because it was not possible to pay in a currency regulated on a metallic standard, a debt contracted in a paper currency. The second proposition of the hon. baronet was, that it was possible to maintain a paper currency, convertible into gold, when there was no gold as the basis of the currency. The first proposition was, to lower the standard; the second was, not to lower the standard, but to maintain a paper currency in circulation, when there was no gold, and both these propositions he should contest. If things were now in the state they were in 1819, it might be a question of depreciating the standard of value; but, after the act of 1819 had been ten years in existence, the question became a very different one. Whatever opinions he might have been disposed to entertain in 1819, he could not, for one moment, suppose, after the present standard had been so long established, that it was now advisable to have recourse to the hon. baronet's proposition for lowering the standard of value. He had heard complaints against the proceedings of the committee of 1819: its report had been stigmatised with great severity; and he, as the author of it, had been charged with having done more mischief than any ten ministers that ever sat in parliament. Adopting the slander to the extent that distress had been occasioned, and sincerely deploring that degree of suffering, he still thought that such enormous difficulties would have been found in lowering the standard, that the alternative would, at last, have been the resumption of a paper system, or a return to a circulation of gold. We were told that we had a debt of eight hundred millions contracted in inconvertible paper, and that, therefore, it ought not to be repaid in gold. That was a very easy way to settle the matter; but we were to recollect, that, whatever was the case with some of the original lenders, the whole debt was not contracted in inconvertible paper; comparatively speaking, only a small portion of it was contracted when paper was inconvertible into gold, and the original creditors of the state having parted with it, it had, at subsequent periods, been transferred to hands who had given for it the full value. What satisfaction would it be to the landholder, who, on the depreciation of land, had converted his property into stock, to say "You are a public creditor; but you received too much when you obtained 50,000*l*. for your land, and we are about to act on a new standard, according to which we shall pay you off at a lower rate than that at which you made the exchange." The state ought to have taken that into consideration, at the time it created the original obligation: at that time the return to cash payments was only suspended, and it was determined that they should be resumed. From 1815, cash payments were only suspended; and all parties making contracts were aware that the country was about to make a great exertion, and the state ought at least to have said to its creditors—"We reserve to ourselves the power of repaying you in a currency not nominally the same in amount, but which shall be regulated by the existing depreciation." If the state did not reserve to itself that power; he believed that the departure from national faith would, in future times, have involved this country in great difficulties; and that if the time should ever arrive, when the public necessities might require something more than the supplies of the year, and the example had been set of repaying the public creditor in a depreciated currency, the character of the country would have received a taint, which would have greatly increased the difficulty of raising money on temporary emergencies. He had never disguised from himself the pressure that would be occasioned by repaying the amount of a debt contracted while money was depreciated, in an improved currency; and if we refused to restore the original standard, we should find great difficulty in adopting any other, upon any principle either just or satisfactory. The general assumption was, that, for a long period antecedent to 1819, there had been an immense depreciation of the paper currency; that was not the fact. It was, he admitted, very difficult to determine what should be the principle by which the amount of depreciation should be ascertained. Suppose he took the test of the hon. baronet, (sir J. Graham)—the difference between the market and the mint price of gold. That was the test which he selected; for in comparing the amount of taxation in 1813, and 1827, he urged that taxation in 1827 was heavier than in 1813, although in the first instance, the taxation was nominally eighty-four millions, and in the last instance, only fifty-two millions. He said, that a deduction ought to be made from the pressure of taxation to the extent of 36 per cent. He would, therefore, take the hon. baronet's test, and he found, that from 1803 to 1810 the market-price of gold was 4*l*. per oz., and the depreciation was only 2*l*. 13*s*. 2*d*. per cent. From 1810 to 1816 there was a great depreciation; it amounted in 1814 to 25 per cent; but, in 1817 and 1818—two years before the committee of 1819—gold was only 4*l*. per oz. All this was laid upon the committee of 1819: but, in consequence of the terrible revulsions to which the paper system had been subject two years preceding, paper had righted itself by a violent struggle, and the currency was again practically restored to within 2½ per cent of its original value. What had we done in 1819? We decided to revert to the ancient currency, and it was not fair to lay upon the committee of 1819, and not upon the paper system itself, a great part of the pressure which had since resulted from the attempt to restore the standard. But all this was beside the present question. The question now before us was, whether, having acted for ten years upon the ancient standard, we were now prepared to unsettle all the various transactions in that improved currency, and to apply to the liquidation of every debt some new standard? To that he never could consent. Great as the suffering had been, he had doubts whether any other system could have been safely followed, but that which was adopted; but of this he was quite certain, that if we attempted to unsettle the system now, the confusion and uncertainty in all money transactions would be such as to compel us hereafter, heartily to repent our rashness. As the hon. baronet had disclaimed the charge that this was one of the eight important subjects to be devolved upon the committee; he should not further advert to the point; but too much was due to the argument itself, and to the ability with which it had been supported, for him to neglect it.

I now approach that which has a more immediate bearing on the question; namely, whether it is safe to maintain throughout the whole of the united kingdoms a paper circulation, with power to issue notes below 5*l*. without having any gold currency as the basis of that paper currency? Notwithstanding all I have heard, I entertain doubts whether the system can be safely adopted. And here let me tell the hon. baronet (sir H. Parnell), that his proposal of an improved mode of banking is quite distinct from this point. Perhaps it might be materially improved, if the charter of the Bank of England did not stand in the way of that improvement. I am not prepared to say that an arrangement might not be made with the consent of the Bank previous to its expiration; but that is a consideration with which I will not now encumber myself. Still, with this improvement, I entertain serious doubts whether it would be safe to introduce a general paper circulation, to the exclusion of a gold currency. In this argument, I think it ought to be conceded to me, that a limited paper circulation below five pounds cannot co-exist with a gold currency. The experience of all countries—of Scotland, of Ireland, and of the United States, shows that notes for *5s.* and *2s. 6d.* exclude silver currency. In Ireland, the existence of fractional notes for *15s.* and *25s.* has had the same tendency; and the same effect will be produced upon gold, if notes below the value of *5l.* are in circulation. The argument of the hon. baronet (sir J. Graham) is, that a paper circulation, if it be convertible into gold, is sufficient for every purpose; and I will examine some of the illustrations by which he supported it. First, he mainly relies on the example of Scotland: he says, "you find there a paper circulation which has excluded gold, but by which the affairs of that country are prudently and securely conducted, with few failures, and panics of rare occurrence." My answer is, that nothing is more fallacious than to draw inferences from the case of Scotland. What I believe is, that the security of Scotland, in this respect, depends upon the metallic circulation of England, that you maintain the value of the paper circulation of Scotland by means of the exchange, and that the alteration of the system here is the safety of the Scotch circulation. The hon. baronet tells us, that there is some inconsistency in the report of 1819, and in me as having drawn it, in permitting Scotland to have a paper circulation; and that the same advantage ought not to be refused to England. But the hon. baronet upon this occasion made a quotation which presents an imperfect view of the meaning of the writer. The hon. baronet omitted to state, that the opinion there mentioned was given as the opinion of the witnesses from Scotland, and not as the decision of the committee; and the quotation he made is introduced by the words, "the grounds relied upon by the witnesses from Scotland are these." My opinion follows, where it is said that, although it is recommended that the system of currency in Scotland should not be disturbed, yet the committee regret, that they could not themselves express a clear, decisive, and unqualified, opinion upon the subject. But I am ready to admit, that I am not satisfied that the circulation of Scotland has not a tendency to add to our insecurity. I certainly think that the paper circulation of Scotland relies on the Bank of England. Though I think the case of Scotland different from that of England, I believe uniformity of system would be greatly preferable to the maintenance of a paper circulation. Let the hon. baronet advert to this fact,—that in 1826 we had determined that within three years we would make a vigorous and decided effort to restore a metallic currency, and that it might be very desirable to restore it by gradual and secure steps. If we had determined at once to restore a metallic currency in England, and in Scotland which never had a metallic currency, the effect must have been much more violent; and we might have greatly aggravated the distress of Scotland, had she been called upon to join in the exertion, at the time when England threw twenty-two millions of gold into circulation. The time may, nevertheless, arrive, when uniformity may be adopted.

The hon. baronet contends, that the bill of my right hon. friend is wholly unnecessary, because the report shows that the paper circulation of Scotland co-existed with the metallic circulation of England; but, a very few sentences afterwards, the hon. baronet offered his own contradiction of his position; because he said, that on his own estates in Cumberland the rents for seventy years had been paid in Scotch notes. This, therefore, is a complete proof, that the Scotch notes have for many years circulated across the border; and, unless you put a stop to it, you will do manifest injustice to the English banker, by giving a privilege to the Scotch banker, of which the former is deprived. I believe that, very recently, a branch bank from

Scotland has been established at Carlisle; and it may be a question, whether this is consistent with the law, as it now stands; but, if we permit the Scotch banker to issue notes without control, they will soon find their way beyond the border into the interior of the country. Hence it is evident that, in justice to the English banker, we have no alternative but to prohibit the issue of Scotch notes; and if by this bill we cannot prevent it, I apprehend we must resort to the other course, by introducing a gold currency into Scotland. But what may be true and safe with regard to Scotland, may be neither safe nor true with regard to the rest of the united kingdom. Such are my reasons for thinking, that it is impossible to trust to a paper circulation without a foundation of gold: paper may be convertible into gold nominally, and while people have confidence in it, well and good; but there will be a manifest tendency in every banker to do two things, to issue as much paper, and to deposit as little gold, as he can: the whole supply of gold on which we can depend is that which is retained to meet the demand; all beyond that will be so much loss; the whole country will be saturated with small notes, and bankers will become dependent upon each other. It will then be impossible to take an adequate security against an excessive issue of paper; one failure will create a panic, and that panic, arising from a comparatively trifling cause, may be destructive to the whole; for we are to recollect, that the small notes will be in the hands of the mass of the population, upon whom panic will have the greatest effect, and argument the least force. If the parties themselves are not to retain gold as a deposit, the whole mass of the circulation will depend upon the Bank of England, without the smallest control on its part over distant establishments. There seems to me to be an inevitable tendency to an over-issue of paper, without a constant sentinel keeping watch upon it; and that sentinel is the metallic sovereign in constant circulation. If it be true of this country, it is true of every country.

The hon. baronet has endeavoured to support his position by reference to authorities of the highest rank. I trust that my inquiries upon this subject have made me familiar with their writings; and if he really could support his proposition, as to lowering the standard, and introducing a paper currency, not convertible into gold, by such great authorities as Locke, Hume, and Adam Smith, I should, of course, be led to attach far more weight to his arguments. But, if there were any three names I should have quoted for a directly opposite purpose, they would have been precisely those upon which the hon. baronet relied. For a gentleman arguing in favour of lowering the standard to refer to such a man as Locke, as an authority in his favour, I own did surprise me. I was well acquainted with Locke's beautiful Essay, in answer to Mr. Lowndes, the Secretary for the Treasury, in which he contended against every argument for reducing the standard; and I beg the House to observe what was the proposal of Mr. Lowndes, and the reply of Mr. Locke. Mr. Lowndes proposed that money should be raised one-fifth, or, in other words, that it should have one-fifth less silver in it. That, be it observed, is exactly the present proposal with regard to gold. What was Locke's answer—the writer who is now quoted as an advocate for altering the standard? "Altering the standard by raising the value of money will weaken, if not totally destroy, public faith, when all who trusted the public, and assisted our present necessities, under acts of parliament, the million lottery, the Bank act, and other loans, will be defrauded of twenty per cent." The quotation made by the hon. baronet I well recollect. It was from a singular paper, directed with great force of argument against the Usury-laws; for the landed interest at that time wished to limit the interest of money to four per cent. Locke never referred to an increase of money such as the hon. baronet contemplates, and Locke's opinion seems to be an erroneous one, however highly I may think of his Essay: at that time there was a great balance of trade against this country; and gold was sent out in great quantities, and Locke goes on to state the consequences of distressing the landed interest. But what was Locke's remedy? Was it a depression of the currency, or an issue of paper? He never thought of a paper circulation, nor of depreciating the standard of money.—The authority of Hume is even still less in favour of the hon. baronet. He cannot think more highly than I do of the philosophic writings of that great man; his acuteness, sagacity, and anticipations of the future, seem at times almost miraculous; and I apprehend that he deserve at least as high a reputation for his Essays as for his History. The hon. baronet referred to Hume, to shew that the only wise course for a country is, to have a constantly increasing circulation; and no doubt, if the wit of man could devise a constantly increasing circulation, which never could come to a stand, it would, much increase the active industry of the country; but the force of every stimulant must cease at some period, and be followed by a proportionate depression. Mr. Hume is speaking of the circulation of specie, and not of paper money. So far from thinking with the hon. baronet, that it is wise to increase the circulation of paper, Hume says, in one of his notes —"We observed in Discourse III. that money, when increasing, gives encouragement to industry during the interval betwixt the increase of money and rise of prices. A good effect of this nature may follow, too, from paper credit; but it is dangerous to precipitate matters at the risk of losing all by the failing of that credit, as must happen upon any violent shock on public affairs." In the text he tells us—"'Tis only in our negotiations and transactions with foreigners, that a greater stock of money is advantageous; and, as our paper then is absolutely insignificant, we feel by its means all the ill effects arising from a great abundance of money, without reaping any of the advantages." Hume's argument relates to the effects upon industry by the increase of the precious metals; but it is quite different from the position of the hon. baronet, who quoted him in favour of an increase of paper circulation.—Then, as to Dr. Adam Smith, I well recollect the beautiful and most happily illustrative metaphor applied by him to the subject: he tells us, that gold and silver may be compared to roads, which are productive of no profit, but circulate all the products of industry; the roads, not being cultivated, are sources of positive loss, but they are the means by which all property is transferred; and, with respect to paper circulation, he says it is like a waggon-road, if he might use so violent a figure, in the air, which enabled the owner of the soil to cultivate and convert into a source of profit even the otherwise barren roads. It is clear, however, that he was well aware of the evils of a paper currency; for he makes use, in one place, of this apposite expression; "It were better, perhaps, that no bank-notes should be issued, in any part of the kingdom, of a smaller amount than *5l.*;" and he goes on with a train of reasoning to show the dangers of a paper currency. In short, it is utterly impossible to quote Adam Smith as an authority for an unlimited issue of paper, without a basis in gold.

I have thus shown, I think, that the main supports of the hon. baronet, as far as regards the opinions of the illustrious men I have named, fail under him; and, if it were possible for them to go into this committee with me, I am sure I should have their votes for resisting the proposition they are supposed, by the hon. baronet, to advocate, and would refuse their sanction to the system he maintains. I must say, therefore, that neither on the score of experience, nor of authority, do I think the hon. member for Callington, or the hon. baronet, has established such a case as ought to induce the House to recede from the position it took in 1826. I entreat the House to consider what we were told at that period—that if that act were passed (and it was passed by a majority, I think, of ten to one, for only eight ultimately divided against it), the mischief resulting from it would be immediate—that the country banks would reduce their circulation, and that the evil would not be deferred to 1829. Then let me ask, after we have undergone that suffering, which was inevitable, from the attempt to restore a metallic circulation—after having since 1822, issued from the Bank twenty-eight millions of gold, of which it is calculated twenty-two millions remain, with eight millions of silver—after having reduced the circulation of country bank notes to two millions and a half, would it be wise to retrace our steps, and, by the commencement of a new inquiry, imply a doubt as to the soundness of our policy? If we do retrace our steps, do not let us suppose that the injury will be confined to two millions and a half of Bank notes: we shall never have an opportunity of considering the question under the same advantages as at present and no confidence will hereafter be placed in your decisions, if we now attempt to unsettle a question which has been so long concluded. The country is now within sight of the goal, which, in 1826, it was so anxious to reach: a little firmness, and another spring, will enable it to reach it; and I believe it can be attained, in the present state of the country, without any material addition to the existing pressure.

Mr. *Attwood* said:—It is not now, Sir, for the first time, the right hon. gentleman, will allow me to remind him, that propositions for inquiry into the character of our own measures, and into questions of essential interest, have been met by statements from the Treasury-bench, such as he now makes, and by attempts to show, from official returns and tables of comparative consumption, how great was the general prosperity of the people, and how great the danger of interfering with so much happiness. But, I remind him also, that since the mistaken and unfortunate measure of 1819, those statements have, in every instance, proved either to have been fallacious when made, or have been instantly followed by reverses all but fatal to the country. I place, therefore, no reliance on the result the right hon. gentleman would draw from his tables, nor do I think he is himself satisfied of the accuracy of that result. He purposed to contradict, by these tables, the view I had taken, on a former occasion, of the existing distress of the country; but I said nothing of the consumption of candles, whether of wax or tallow, or of starch or vinegar, or any commodities of that nature. I spoke of agriculture: I told him of the condition of the farmer, of the poverty of the trader, of finances embarrassed, of sufferings pressing on the labourer, of gaols bursting with criminals. The right hon. gentleman must feel, that if he had given to my opinions a direct contradiction, instead of a constructive denial: if he had at once boldly affirmed, that the farmer was prosperous, the trader content, the finances flourishing, and the labourer employed, he would feel that such assurance would be opposed to the experience of every member who heard him.

On the subject of the one-pound note circulation, the right hon. gentleman has misapprehended my observations. I did not state, as he represents, that our present difficulties have been occasioned by the reduction of that circulation; nor do I think that it has, in fact, been yet reduced in the degree he calculates. I ascribe our existing difficulties to the false standard introduced by the act of 1819—that act, the true character of which he is now almost the only individual who still persists to misunderstand,—and I maintain, that amidst the calamities thus entailed on the country, we could not encounter with safety the further pressure which the suppression of the small-note circulation must produce. Of the degree of that additional pressure I give no confident opinion; nor do I rely on any opinion that is with confidence given on this head. That, in some degree, the operations of productive industry will, by this measure, be generally oppressed and crippled, I hold to be perfectly certain. That the distress thus occasioned will be extreme or ruinous I assert not; nor do I value the opinion of any man, who shall assert, with confidence, the reverse of this; or shall say that he regards the further progress of this measure, if it be persisted in, without anxiety and alarm. The right hon. gentleman assures the House, that the resources of the country at this time are entirely equal, to maintain, in foreign wars, its character and interests, if either should be assailed. He would have rendered his assurance more complete, if he had coupled it with a reference to the act of 1819. If what the right hon. gentleman means to affirm is, that considerable additional burthens could be imposed on the country; that large supplies could be raised at home, and spent abroad, and this without any Bank restriction, and with an adherence to the act of 1819; I answer, in the words used by my hon. friend, the member for Shaftesbury, to-night—he believes it, but I do not;—nor do I think that the present burthens of the country can be permanently sustained.

It is not, Sir, my intention to enter generally into the wider field of argument connected with this debate; but to confine my observations to the narrow question more immediately before us—the propriety of reconsidering at this time the act of 1826. The operation of our monetary system on the various interests of the community, and on their condition; the manner in which the changes we have made in this system have affected, and continue to affect, all interests and classes; these have been developed in the speech of the hon. baronet, the member for Carlisle, in so comprehensive, masterly, and able a manner, that I refrain from repeating his unanswered arguments; but in so acting, I desire to guard myself against the belief, that I agree in anything with those, who deprecate discussion, examination, and inquiry, into every part of this important subject.—I agree as little with the right hon. member for Liverpool (Mr. Huskisson), who endeavoured to deter the House from appointing the proposed committee, by exaggerated statements of imaginary dangers, arising—from what? from an inquiry into the character of its own acts; from alarm thus to be spread in the public mind; speculations to be set afloat; a second panic produced; and I know not what, of visionary evils, having no existence whatever but in the mind of the right hon. member himself. It is time to abandon this petty policy. A short time since we heard similar apprehensions expressed on another subject—the import of wool. There was danger in that inquiry: alarm would be excited—speculations fostered or suppressed, for I know not which, and care not, if the House should inquire into the necessity of imposing a duty on foreign wool. But, in the other House of Parliament, a committee of Enquiry has been appointed, and none of these mischiefs have followed. The noble duke, now, most fortunately for the honour of the country, and its safety and best interests, at the head of his majesty's government, is not of that class of minds prone to believe that the people of this country will ruin themselves by groundless alarms. He appears rather to apprehend ruin to the people, from precipitate, incapable, and blundering legislation. "Your interests are involved in this matter," would appear to have been his language; "inquire, examine, and discuss, all its bearings. The interests of the country are involved in it: let these be also examined." Enough has there been already, he appears to have thought, of blind and false legislation, and enough has the country suffered from it.

Sir, I can readily perceive why there should exist, with those who were parties to the act of 1819, a great reluctance to examine into its real character. But, when my hon. friend and colleague (Mr. Baring), no party to that measure, who saw its danger, and whose view of its character has been confirmed by subsequent experience, join those who condemn further discussion; there is a manifest inconsistency in his argument. My hon. friend said, on a late occasion, that some particular alteration of the standard, which he supposed me to advocate, would now effect a great fraud. He acquitted me from intending any such object; and did me no more than justice in so doing. I will not now discuss with him whether this or that alteration of the standard might not at present be effected without injustice. There would be no difference between us on that point. But I will point out to his indignation a measure which, to use his own expression, did effect a great fraud; a greater fraud, indeed, than has been ever worked by any other single measure. It is the act of 1819, as he himself describes it. That act altered, he says, the value of money twenty-five, or thirty-three, or on some articles, fifty per cent. Take the lowest of these estimates and trace the consequences. Into every merchant's account existing, a fraud was secretly introduced of twenty-five per cent. On every rent, every tax, and every debt, was secretly twenty-five per cent falsely imposed. Calculate all this and say if any single measure ever effected an extent of robbery so great as this act. I can conceive in the right hon. gentleman opposite (Mr. Peel) to the integrity of whose intentions, both now and in 1819, I do full justice, an almost invincible repugnance to admit a conviction of the true character of this measure. But it is inconsistent in my hon. friend (Mr. Baring) admitting the character of this measure, not to admit also the necessity of proceeding to a full examination into all its consequences—whether, and in what degree, we have yet the power to redress any and what part of the wrong it has effected, and to protect any of the victims of that enormous injustice. Would it be nothing, after a measure of this character has spread disorder and ruin through all the relations of society, and shaken the security of all property, that the House and the country should come to a full knowledge of its extent and effects; and should understand clearly the cause of our past embarrassment, and the nature of the future difficulties we have yet to encounter? Would it be nothing to clear away those absurd theories of over-production, over-population, and over-trading—each in its turn, or, at times, altogether, supposed to have plunged the country into ruin; of too much fertility, too much industry, too many people; and all those schemes and projects founded on such theories; schemes of emigration, projects to correct over-trading — this House teaching the traders how to trade, has ruined the traders by its blunders —schemes of Scotch banks and branch banks, alike abortive—and even this present project for suppressing small notes, on the ground that it is necessary for the safety of the public finances? Have we not a committee now sitting to inquire into the embarrassments of the finances; whether and in what manner our encumbrances can be met? And is it nothing that this committee, sitting for this object, after the operation of a measure such as my hon. friend has described the act of 1819 to be—shall be guilty of the incredible absurdity of leaving out of view, altogether, the manner in which the public burthens have been increased fraudulently by this act—shall avoid scrupulously even the most remote inquiry into the question how far, and to what extent, it is, by indispensable justice, required; even if no pressure of necessity existed, to cut down these burthens to the level of the act of 1819? Proceeding on this capital error, the labours of the committee will be useless, and will do less towards relieving the difficulties of the revenue, than will be effected by the unanswerable exposure of the cause of its embarrassments, in the speech of the hon. baronet beside me—though they sit till the day of final doom.

The late Vice-president of the Board of Trade, who spoke in reply to the hon. baronet, said, that his speech went mainly to recommend a depreciation of money; and, as a matter of course, the speech of the right hon. gentleman himself went mainly to describe the mischievous character of such depreciation. The right hon. gentleman will allow me to say, that his information on this subject does not warrant the degree of confidence which he reposed in it. He said, depreciation of money had been, whenever effected, the work of the worst tyrants of the worst times. But my hon. colleague (Mr. Baring) has pointed out, that the depreciation of the late war was the work of the House of Commons. It was—which the right hon. gentleman will think somewhat more—the work of Mr. Pitt. The depreciation of 1797 was his measure, whatever may be the terms in which that measure or its author, must be characterized. The choice was presented to Mr. Pitt, of abandoning the antient standard or of abandoning that war, which, in his view, was necessary for the safety of the constitution and the laws. He chose the first alternative; he preferred, where one must be sacrificed, the country to the standard. I do not characterize that measure; I describe the circumstances under which it was adopted. My hon. friend the member for Surrey (Mr. Denison) tells us this night, that he voted against the act of 1797, and disapproved also of the act of 1819. His conduct was consistent throughout. He did not consider the war of Mr. Pitt necessary? but he is mistaken in believing that none but arbitrary governments have depreciated money. The United States of America, in their struggle for independence, adopted that step. I advocate neither America nor her measures; but the member for Radnor will scarcely class Washington and Franklin among his worst tyrants of the worst times. And, with regard to those examples of depreciation furnished by our own history, which the hon. member probably meant to refer to, he is mistaken in his views of those measures. In this country there was no depreciation of money by the government, from the reign of Elizabeth to the time of Mr. Pitt. Previously, great depreciation had been, at different times, effected. The same weight of silver which was coined originally into 20*s.*, came, by these depreciations, at length to be coined into 62*s.* 6*d.* But, excepting Henry 8th —who depreciated money and raised it, alternately and successively, and in a manner analogous to our own operations on the currency within the last thirteen years—with that exception, the successive depreciations which our money underwent, were not the work of the worst tyrants in the worst times, but mainly of our greatest monarchs, and in our best era. These depreciations went not to effect injustice or fraud, but to prevent both. They did not go to raise prices, and to lower the value of money; their effect was, to prevent prices from falling, and to maintain the value of money at an equal rate. They were adjustments of the standard, rather than depreciations, in the sense commonly used—adjustments of the coin to the changing value of the materials composing it, to the necessities of the people, and to the faith and spirit of pecuniary contracts. These measures were, in fact, similar in principle to the measure which this House ought to have adopted in 1819—to the measure then recommended by my hon. friend, the member for Surrey. The course then adopted ought not to have been one either of depreciation or appreciation—not a measure to raise or lower prices, but to maintain those which existed—a measure which would have adjusted the metal standard about to be introduced, to the value of the paper standard it superseded, maintaining the same value as that standard, and supporting the same prices. On this subject, the right hon. Secretary has entirely misapprehended the argument of Mr. Locke. He will find, on further examination into Mr. Locke's paper, that the money then to be dealt with was not, and had not been, the legal money of the country. It was clipped, debased, illegal; no man was obliged to receive it at all, nor was it practically current at its nominal amount. The money the right hon. Secretary had to deal with, in 1819, was different in these essential particulars: it was legally and practically the standard money of the country, current at its nominal amount; and neither the authority of Mr. Locke nor his arguments therefore have the bearing he supposes on the act of 1819.

The hon. member for Radnor has, in answer to the hon. baronet, explained the ruinous effects of a depreciation of money on one great class of society—the annuitants and the holders of fixed incomes. His view has been but partial; and, to explain it more fully, and as an answer to his arguments, I will read the opinion of the right hon. member for Liverpool, below him, as I find it set forth in an extract from a speech of that right hon. member, which, as it has been published as his, and not contradicted, I presume to be authentic. "When prices were continually rising, all the active classes were benefited, and annuitants alone were placed in a worse situation. But it was better any loss should fall on them than on the productive classes. The effect of a rise in price on them would, perhaps, force them to greater economy, and at most, abridge their comforts; but, while they were reduced to this, the other classes were benefited. But the effect of a falling market, on the industry of the country, was very different. If the value of a man's stock were only reduced one-tenth in value, perhaps that one-tenth might amount to almost the whole of his own capital—the nine-tenths might be borrowed. The fall naturally alarmed the creditor, who, by urging his demands, forced sales, by which the difficulty was increased: in such a state of things it was impossible that the revenue, depending, as it did, so much on the active classes, should not fail. The only articles above value were money for production, and bread for the active part of the population; and nothing could be so distressing to a country as a scarcity in these, and a glut in all other articles."

Now, Sir, in what I have thus said on the depreciation of money, it has not been my intention to discuss that subject generally, but to set, in their just light, before the House, those mis-stated facts, misapprehended authorities, and fallacious inferences, which have been introduced on this subject, into this debate. But the narrower question more immediately before the House, is the propriety of reconsidering the act of 1826. The right hon. the chancellor of the Exchequer concluded the speech which prefaced his motion by urging the necessity of consistency, though at some sacrifice. But it could scarcely have escaped him that, whilst his motion went solely to the suppression of Scotch notes in England, his speech was entirely directed to show the necessity of suppressing English notes in England. His arguments and his motion had no connexion with each other. And, as regards consistency, the question is this; not whether Scotch notes shall be suppressed in England, nor even whether English notes shall be suppressed in England,—but whether we will abolish English notes in England, whilst we permit Scotch notes to circulate in Scotland and Irish notes to circulate in Ireland? It behoved the chancellor of the Exchequer to show what ground of necessity or expediency exists for abolishing that description of circulation throughout one half of the empire, which he thinks it expedient to continue in the other half. The House, when it adopted the act of 1826, for suppressing one-pound notes in England, proceeded on principles applicable as much to Scotland and Ireland, as to England and to Wales. I state that in the most distinct terms. The chancellor of the Exchequer of that time stated, that there was no substantial ground why all parts of the united empire should not be put on the same footing. It was described to be a question of time and not of principle. It was intended, said lord Liverpool, that the one-pound notes of Scotland should be suppressed from 1829, and of Ireland in a year or two later; and the chancellor of the Exchequer said, that he would, in a few days produce his plan for abolishing the small-note circulation of Scotland. We have since discovered that we were proceeding on principles altogether erroneous, as far as related to Scotland and to Ireland. And how has that discovery been made? By examination and inquiry,—the usual process by which error is detected and truth discovered. We first condemn this circulation, then we proceed to inquire, and then discover that our judgment is false. But, does this lead to no reason for distrusting the principles on which we have proceeded with regard to England? If the Scotch committee had confirmed the opinions we were proceeding on, respecting Scotland; that would have been a ground for confidence in those we adopted with regard to England. But with what plea of consistency can those same individuals, who first told the House that it was a measure of absolute necessity to suppress the one-pound note circulation, both of England and Wales, Scotland, and Ireland; and who now tell us, that they find, on inquiry, all their information to have been false, as it regarded half the empire;—still urge us to deal with the circulation of the other half on the same information, without examination and without inquiry? Can this course of proceeding be considered in any other light, than as arising from a determination on the part of ministers to conceal, as far as possible, their own errors, regardless of the consistency and character of the House, and of the effects which their measures are calculated to produce?

If we examine the information the Scotch committee has given, we shall find none warranting any change of opinion with respect to Scotland, which is not equally applicable to this English circulation. All that the committee has explained of the stability of the Scotch banks, the number of their partners, and the infrequency of failure among these banks, was as well known before the committees as since. Before the committee sat, a bill was introduced into the House founded on this supposed knowledge, for the purpose of giving England the advantage of Scotch banks; and for the other information which the committee has given, important though some of it is, it is as true, in all its essential parts, of the banking system of England, as of the banking system of Scotland. The committee has described the system of what are called cash credits in Scotland; and the right hon. Secretary seems to attach great importance to that system. It consists mainly in this; the Scotch banks lend money with great readiness, on easy terms, to traders of all classes—the smaller as well as the more important. So great an advantage is found in this, that the traders of Scotland very generally avail themselves of these loans. I do not undervalue these banking operations. They produce an extensive effect on the whole productive industry of Scotland. But the transactions of the country banks of England are essentially of the same character. They differ in nothing but the name. The Scotch banker advances on a cash credit—the English on an open account. One requires the security of a bond, the other of a bill: one takes a signature under a seal on the face of the instrument—the other an indorsement on the back. But with respect to the essential assistance given to the trader, the English system is as extensive to the full, and as effective, as that of Scotland. The committee has examined into another branch of the operations of the Scotch banks — their system of deposits. This system has been explained, as far as I know, for the first time, in this report and evidence. Hitherto the source which supplied the Scotch cash credits has been described as arising from the circulation of notes. It appears that the Scotch notes form but a small part of that supply. The Scotch bankers are great borrowers of money, as well as great lenders. They are ready to borrow at all times, from all persons, any amount of money, small or large: they repay these loans at short notice, and interest accrues while the money remains. The convenience thus afforded, is found to be so great that the system has become universal, and the whole trading community of Scotland, either as borrowers or lenders of money is brought into connexion with the banks. I acknowledge the effects of these operations on productive industry. Their deposit system, perhaps, forms the most important means by which the banks of Scotland promote a general prosperity. Increase of wealth, individually or nationally, proceeds mainly from accumulation and saving. But accumulation tends to check its own increase. It is commonly capital withdrawn from active use and ceasing to become the source of future production. To such a state of things, these banking operations

—peculiar, I believe, to this empire—apply with great effect. They take the inactive capital of one man, and give it to him whose enterprise is cramped for want of resources. They open a connexion between the dead capital of the community on the one hand, and its languid industry on the other. Extending themselves to smaller towns, and drawing within the circle of their operations the inhabitants of the remotest hamlets; those banks collect from the whole surface of the country the scattered elements of dormant enterprise; they give them at once a shape the most effective and the most powerful; and at once apply them to those divisions of the great machine of commerce, where they are calculated the most to stimulate, to invigorate, and excite. The opinion given by the Scotch bankers, to the committee, of the importance of their operations on the general interest, has been held by the ablest writers, and the acutest politicians of Scotland. These date from the establishment of its banks, that great impulse to improvement which Scotland received in the earlier part of the last century. They ascribe that improvement, its progress, and the present condition, of Scotland, as being connected greatly with the operations of the banks. But nothing of this is peculiar to Scotland. The country banks of England carry on the system of deposits, as well as of advances, to as great an extent as the branch banks of Scotland. In England, as well as in Scotland, that rapid career of internal improvement in agriculture and manufactures, that great increase in wealth and population, which were unknown in former times, take their date from the general establishment of its banks. The first impulse was by them given to that career of improvement; and if there is any man who now thinks that our agriculture, our commercial and manufacturing industry, are not intimately connected with our system of banking—that they are not mainly dependent one on the other, and must recede or advance together—he knows but little of the internal condition of the country.

The member for Edinburgh said, "Leave Scotland and her banks to prosper together." I agree with him; but I put in the same claim for England, and I claim the same consideration for the English country banks, as he claims for the branch banks of Scotland. Has the prosperity of England been less than that of Scotland? No—nor its commercial reverses more frequent or more severe. The prosperity of both has arisen together, proceeded from the same causes, and each has derived an equal assistance from its banking systems. But the English banks are subject, it is said, to failures; and the labourer, not a judge of commercial credit, suffers occasionally by the loss of a bad note. These sufferings are not to be undervalued; but when a banker fails, the loss of the labourer by his notes is the smallest part of the injury he sustains. There is a destruction of credit in that district, of resources, a reduction of the means of employment; and the labourer who loses a few weeks' employment, suffers more than he who holds a bad note. The labouring classes have been subjected of late years, to appalling sufferings—but the bad paper which they have held is not to be charged with those sufferings. These have sprung from a deficient market for labour; that market is connected essentially with the banking system, and, whilst you are proceeding, out of regard for the interests of the labourer, to contract that system, the slightest motion of your machine of reduction, insignificant as it appears to you, is calculated to inflict upon millions of labourers, reduced in wages, or destitute of employment, a greater extent of suffering than the labourers have experienced from all the bad paper of insolvent banks, which they have held since banking has been known.

But the report of the committee throws some new light upon the question of the difference of stability between the Scotch and the English banks. We have proceeded on the opinion that the Scotch banks were banks formed on what is called the Scotch system, joint-stock banks, secure, because they embraced a large number of responsible proprietors. But the committee has shown us, that a great proportion of the banking system of Scotland, is conducted by private establishments, differing in nothing from the private banks of England. There are in Scotland, says the report, thirty-three banks; and the evidence shows, that of these, thirteen are private establishments, varying in their number of partners from eight to one. The joint-stock banks have formed branches. The private banks have branched out also: one hundred and thirty-three is the number of the whole, banks and branches, of which between thirty and forty appear to be private establishments, issuing notes, one class as well as the other. Now these private banks of Scotland in no way differ, in the security which they offer, from an equal number of English country banks. No man will deny this, and on what ground, then, is the House proceeding? We find the same description of persons issuing the same description of paper, the same security, the same limitation, and we proceed to abolish this paper in one district, on the ground of its being destructive and ruinous, while we deal with it in another, as wholesome and advantageous. Can it be possible that this House will proceed to legislate on such a basis? If we maintain that the small-note circulation has in it somewhat of peculiar danger, and is therefore only to be intrusted to a certain description of banks, offering, by the number of their partners, superior security for their issues, that is intelligible and consistent. But if we proceed on the principle that it is necessary, for the very same individual banker, to be prevented from doing, in one district, that which we allow him to effect in another; that what is safe in Dundee, or in Glasgow, is dangerous in Norwich or in Newcastle; that, in reducing the circulation of one-pound notes, we are to follow the course of a river, and to suppress all that we find on one side of the stream, as dangerous, while those on the other side are secure; I would recommend the House to guide their measures by the cast of the dice, rather than proceed in a course so full of utter absurdity as this is, under the pretence that they are gravely consulting the interests of the people.

I state, that, at least, the private bankers of Scotland, of whom I wish to speak with all respect, cannot be assumed to offer greater security than the private bankers of England. There have, indeed, been no panics amongst the Scotch banks. The proceedings of the committees have, however, thrown light on this branch of the subject. There was no panic, says the report, in Scotland, in 1715. There was but one bank. There was no panic either, in 1745, thirty years nearer our own time. I am not disposed, as the committee was, to draw any inference regarding the present circulation of Scotland from either of these circumstances. Their insertion may prove, perhaps, the partial temper of the committee, but nothing else. Another circumstance is reported, of more importance. "The Scotch bankers supported themselves," (the passage is in the Lords' Report) "from 1797 to 1812, without any protection from the restriction by which the Bank of England, and that of Ireland, was relieved from cash payments." If any thing is to be inferred from this passage, it is, that the paper of the Scotch banks possesses a stability greater than that, not only of the English country banks, but of the Bank of England, and of the Bank of Ireland. Now we happen to know that, during the whole of the year 1811, a guinea was worth 25*s.* or 26*s.* in all parts of this empire. The Scotch paper, therefore, stood its ground, not only against all discredit, but against the manifest interest of the people, who might have profited twenty-five per cent by exchanging it for gold. The taste of the people of Scotland is, we are informed, to prefer paper to gold. But that alone will not explain the fact here stated; for a Scotchman, in possession of four notes, might have changed his notes for four guineas, and have sold his guineas for five notes; so that what we are required to believe is, not merely that a Scotchman prefers paper to gold, but that he prefers a smaller quantity of paper to a greater, four notes to five. We must be convinced that, behind this state of things, exists something that the committee has failed to explain. The evidence will lead us to this explanation. It exhibits strong presumption, at least, that the Scotch paper has been at no time practically convertible into gold. Either by combinations amongst the bankers, or by some condition on the notes, or by both, this paper has been, at no time, subjected to the test of payment to which English paper has been, at all times, liable. The evidence of Mr. Thompson states—"That there is no other person than Mr. Maberly, that he has ever known, ask for gold in Scotland." Mr. Thompson is an experienced banker—has been cashier successively to the two principal banks of Scotland, and he never knew any other person than Mr. Maberly ask for gold in Scotland. Now, we have also the evidence of Mr. Maberly, and have the means, therefore, of ascertaining how this demand was met. Mr. Maberly says—"I demanded payment; leaving the Scotch bankers their option of paying me in gold, in Bank of England notes, or in bills at sight on London." Mr. Maberly seems to have been ready to be content with any payment they would give him. He had their notes, and desired some other description of money. He would willingly have got Bank of England notes, or bills on London, or any description of payment. But, observe how his demand is received. "They made (says he), in many instances, an attempt to detain my people all day by giving them silver; that I rejected in the first instance, because I had no right to take more than 40*s.*; they then set up a right of holding every single note as a separate demand, and, therefore, that they had a right to pay each in silver, because each note was a separate demand; however they shortly waived that, and paid in gold. The whole of this, before the new sovereigns came out, had to be weighed, and my people were kept whole days in some of their shops, from the quantity of light gold offered them." This was the proceeding of, it would appear, the principal bank in Scotland when payment was demanded of its notes, and that not on any extraordinary occasion. And it is plain that if the banks of Scotland, generally, were to support each other in such a system as this, a restriction on cash payments, too strong for the people to break through, might, without the aid of any law, be practically established. The evidence tends to show that this is their aim. Mr. Thompson says, "that if an individual were offered a 20*s.* note of any bank in Scotland or a sovereign, I do not know a person who would not prefer a note to a sovereign. Such is the taste of the people." But then he says afterwards—"I think, if you multiply the circulation of sovereigns you would make it more probable that those panics would ensue, that the taste for gold would follow." Another evidence says, that by introducing gold into the circulation, the habit of panic and of runs on the banks would be produced. The Scotch paper is further guarded. It is not payable, either the small notes or the large, in the places where it is issued. How is a Scotch labourer at Glasgow, in possession of a Glasgow one-pound note, and desirous to obtain a sovereign for it, to proceed? He must carry his note to Edinburgh; he may, indeed, send it through another banker, but suppose he prefers a piece of gold to the credit of any banker? Here is a perfect restriction established. No panic can take place under such circumstances, nor a Scotch bank be subjected to the test of gold payments.

But the making cash notes not payable where they are issued, has been uniformly treated as a vicious practice in this House. A bill is now going through the House to compel the banks of Ireland to pay their notes where they are issued: an act has already passed, imposing a like condition on English bankers, though no English banker attempted, as far as I know, to free himself from the liability of paying his smaller notes at home, or ever thought of reserving the right of imposing on a labourer, who might hold one of his notes, the penalty of taking that note to London, if he should desire payment. What pretence, then, is there, for giving to the Scotch bankers, public and private, a preference over the English banks, on the ground of the superior stability of their paper, and their freedom from panic? There was no panic in Scotland, says the committee, in 1825, nor any stoppage of payment among the Scotch banks. There could be none: no payment in gold could be obtained. That there would have been no panics or failures amongst the country bankers in England, if they had adopted a similar course, is evident: the panic in the country ceased as soon as the sovereigns were exhausted, and one-pound notes were substituted in their place. An hon. friend of mine, a member of this House, described, in December, 1825, the panic in his town in these words:—"The fury of the people for gold increased with the quantity paid; but, about one o'clock on Friday, arrived our first supply of Bank of England one-pound notes. The amount was not large; but we divided them amongst all our neighbours. The effect was like throwing a wet blanket on a flame, and in an hour the town was perfectly quiet." The panic was a desire to obtain gold. When nothing better could be obtained from the country bankers than one piece of paper for another, the panic was at an end.

I have entered into these details, because I consider them essential for bringing this question fully before the view of the House. It is not a question of the insignificant interests of the bankers in any part of the kingdom, but of the general interest of the community, concerned in this question, generally, to an uncertain, and probably to a serious extent. We are about to give to different parts of this kingdom a different legislation. For the last thirty years, at least, the same currency, founded on the same laws, has existed in Scotland and in England. We have no ground before us to justify the change now proposed; nor can this House, with any regard to its own character, its consistency, or the interests it has to deal with, refuse to appoint the proposed committee.

Sir *F. Burdett* said, that at that late hour he should not think himself excusable in trespassing longer upon the time of the House, than was necessary for him briefly to express his sentiments in support of the amendment of the hon. baronet, confining himself simply to the expression of those sentiments, without entering on the details, which were certainly important, but to which at that time of the night, and after a debate so protracted, he could not venture to trust himself. He could not avoid saying, however, that he considered the hon. baronet to have done a service to his country by the statement he had made on a subject of such importance to its vital interests: and he was surprised, notwithstanding the lateness of the hour, and the protracted debate, when he considered the ability that had been displayed by the hon. baronet, and the information that had been brought to the discussion of the question by every hon. gentleman that had spoken upon it, and especially by the hon. member who had just sat down, who had presented for their consideration subjects well worthy of their best attention, and which few were capable of so well laying before them, that the House should not have displayed more patience in listening to the debate. Confident he was, that, if the House did its duty by attending to the statements of those hon. members, they would hesitate before they opposed the attempt to procure an inquiry, which was proved, more than ever, to be now necessary to the well-being of the country. There were two things in which he considered the right hon. Secretary for the Home Department to have been peculiarly infelicitous. He was unfortunate in having his name originally connected with this measure, which had been productive of more positive suffering, more unmixed misery, more breaking-up of the sources of wealth throughout the country, than any other that had ever been devised. It was true that this bill had not been adopted: but, whenever there had been an approach to its completion, whenever they had reached a point of approximation, which they had once, twice, or three times done, it was always sure to produce distress, and they were compelled on each occasion to arrest in its progress that blind design which the ministers had made up their minds to carry into effect. He thought, too, that the right hon. gentleman had been most infelicitous in his reply to the hon. baronet. The facts of the hon. baronet had not been touched upon at all by the right hon. gentleman, and his reasonings had received no answer which could be considered, in any degree, satisfactory. The right hon. gentleman had, it was true, fixed upon two or three instances of what he called inaccuracy of statement, or misapprehension of authorities, in the speech of the hon. baronet; but he apprehended that the right hon. gentleman would be found to have been infelicitous in his observations even upon these. Since the time of Adam Smith, the public mind had greatly advanced in knowledge upon these subjects. The acuteness of Hume had, as it were, thrown forth the first spark which enlightened us upon these difficult and delicate subjects. The right hon. gentleman had, however, quoted Locke upon this question, and had expressed his wonder that the hon. baronet could so much misapprehend the meaning of that author, in the quotation introduced into his speech to support the inquiry. Now, it appeared to him that the hon. baronet's quotation of Locke was strictly in point, and the quotation of the right hon. gentleman calculated to support the very opposite side of the question which he wished to maintain. The right hon. gentleman had observed, that Mr. Locke was contending against Mr. Lowndes upon the injustice of altering the standard of value, because the debt was contracted in a legal and proper standard. Mr. Locke, like an honest man, maintained that it would be unjust to contract the debt in one standard, and pay it in a lower, but he would ask, was that at all applicable to our case? Were we not paying a debt contracted in a debased currency?—a debt which no man could give any sufficient reason for the country, being thus depressed, to pay up; and in paying which in the present currency, we were not only doing a lasting injury to the country, but committing an act of injustice to three fourths of the nation. The right hon. member for Liverpool was so inconsistent with himself upon this subject, that his opinions were scarcely to be guessed at. When, however, he maintained the doctrine of high prices, he had taken the sound and rational view of the question. It was impossible, however, that the interests of all those whose capital was fluctuating could, under this state of things, be reconciled with the interest of annuitants, whose property was fixed and nominal. It was undoubtedly hard upon them; but when it was understood how small a portion they formed of the nation, and when it was considered how much all the agricultural classes, and the trading classes and shopkeepers, and every other class, had suffered from the change of a depreciated currency to a higher, and when it was recollected in how short a time that change had taken place, he believed that if hon. gentlemen had understood as much when they consented to that change as they do now, and had it to do over again, they would no more have consented to it, than to the wildest project which the imagination of man can conceive.—The right hon. Secretary had also found fault with the hon. baronet's quotation from Hume; and in that he was equally infelicitous, because, according to the right hon. gentleman, Hume advocated a constantly increasing circulating medium. Mr. Hume, in that point, fell into an error; and the right hon. gentleman closed in with the error, and adopted it for the support of his argument. It was now, however, he believed, well understood, that nothing could possibly be more injurious to a country, than a currency either increasing or decreasing, although the right hon. gentleman did not seem to understand any thing about it. The policy of a government was, to guard against these alterations. Their object was, if possible, to keep prices always the same; and by that means only could they hope to do justice between man and man. —The hon. baronet then proceeded to argue that the chancellor of the Exchequer had proceeded upon loose and insufficient data in his calculations with respect to the number of small notes in circulation, which he believed to be nearer six millions than two, as the right hon. gentleman asserted. The data of the calculations were so loose, that they ought not to legislate upon them; and that was another reason why there ought to be an inquiry. After observing upon the great injury inflicted upon the country by the withdrawal of any part of the circulating medium—an injury which had caused a loss to the country of late years to an amount almost equal to the whole national debt—the hon. baronet declared, that the landowners were not opposed to the interests of the public creditor; on the contrary, he had heard many of them declare that they were willing to make any sacrifice to satisfy the just claims of the national creditor. Government were not, perhaps, aware of the consequences of what they were about to do. He could not, however, avoid suspecting that the right hon. gentleman felt some misgivings upon the subject, and that he regretted the course he had taken upon this subject. He must feel that he cannot, by a vote of the House, set the question at rest, and that it will press upon him again and again until he grants an inquiry. It was an easy thing to talk of decision, and to recommend it, but decision was not at all times commendable. It was well calculated to win campaigns and to win cabinets; but in such a question as that now under discussion, caution, deliberation, and inquiry, were more desirable qualities. A mere vote of that House would not satisfy the country—it would not meet the expectations of the country—it would not allay alarm; there would be more wisdom in delay and deliberation, than in rash and summary proceedings. He thought that the currency of the country—in England, Scotland, and Ireland—should be equal and uniform. It might be said, that a small-note circulation might be suited to Ireland and Scotland, but not to England. Ireland, on account of her negligence; and Scotland, on account of her prudence, might be permitted to have those notes, though they were declared to be unfit for England. But he would say, as Voltaire was stated to have said to a physician, respecting a regimen — he requested him "to wait until he had more strength." So he would say to the political physicians of the State—do not establish a system of currency which will place this country in a disadvantageous situation with respect to Scotland or Ireland, or if you are determined to impose it, "wait until she has more strength to bear it than she has at present." The hon. baronet concluded by expressing his determination to support the amendment.

Mr. *Huskisson* rose to explain. He

said, he could not now enter into a refutation of the inconsistencies in the speech of the hon. baronet who had just sat down, or of the hon. member for Callington who preceded him. He would only explain so far as to vindicate himself from the charge of inconsistency on this question. What he had said was borne out by far higher authorities than himself. He had said, that it was a proof of the happy state of a country when there was a gradual and steady tendency towards high prices, from sound, natural, and permanent causes, but that high prices proceeding from artificial causes—from rash and dangerous speculation, or from any other temporary and unsatisfactory source, so far from being a proof of national prosperity, was the reverse. That was what he had said, and by which he abided; he wished, therefore, whatever other inconsistencies he might be charged with, that his name should not be connected with doctrines which were shameless and unprincipled, and calculated to promote fraud, and lead to national bankruptcy.

Mr. *Attwood* called upon the right hon. gentleman to explain what he meant by imputing to him the promulgation of doctrines shameless and unprincipled.

Mr. *Huskisson* said, that the doctrines advocated by the hon. member were calculated to promote fraud, and lead to national bankruptcy.

Mr. *Attwood* replied, that the right hon. gentleman was the advocate of doctrines far more calculated to promote fraud, and lead to bankruptcy, than any which he supported.

The House divided:—for the amendment 45; against it 154; majority 109. The motion of the chancellor of the Exchequer was then agreed to.

List of the Minority.

Astley, sir J.
Bell, M.
Baring, sir T.
Bright, H.
Benett, J.
Bankes, H.
Buck, L.
Burdett, sir F.
Calvert, N.
Clive, lord
Corbett, P.
Cholmeley, M. J.
Cotterell, sir J.
Dawson, A.
Dickinson, W.
Davenport. E. D.
Euston, lord
Ennismore, lord
Guise, sir W.
Heathcote, G.
Hume, J.
Howard, H.
Kemp, T. R.
Keck, L.
Kennedy, T. F.
Liddel, H. T.
Lloyd, sir E.
Milbank, R.
Maberly, J.
Marjoribanks, S.
Martin, J.
Martin, J. C.
O'Brien, W.
Powlett, lord W.
Palmer, C. F.
Pendarvis, E. W.
Robarts, A.
Smith, S.
Smith, A.
Sibthorp, Col.
Slaney, R. A.
Tuite, H. M.
Thompson, ald.
Vyvyan, sir R.
Waithman, ald.
Wood, ald.
Williams, sir R.
Wodehouse, E.
Webb, col.
Wrottesley, sir J.

TELLERS.

Attwood, M.
Graham, sir J.

HOUSE OF LORDS,

Friday, June 6th.

PROVISION FOR THE FAMILY OF MR. CANNING — PENSIONS' ACT AMENDMENT BILL.] The Duke of *Wellington*, in moving the second reading of the Pensions Act Amendment Bill, said, he would state to their lordships the grounds which induced him to be a party to the introduction of this measure, and those upon which he recommended it to their lordships' approbation. Mr. Canning, whose qualifications and abilities were well known to the country, entered his majesty's service in the year 1796, and, after having filled several important situations in the government of this country, died in the year 1827, holding, at the time, the office of chancellor of the Exchequer, and first lord of the Treasury. It was well-known that the salaries of officers, and particularly of high officers, in this country, were inadequate to defray the expenses into which they who filled those offices were obliged to enter. That might be good policy: it might be right, with a view to economy, that that should be the case; but it was quite clear, that when a person like Mr. Canning, with but a small fortune, came to be called upon to perform the duties of one of those high offices, he must either perform them inadequately, or live in a manner unfit for a person holding a high office to live in, or fall upon some other means besides the emolument of his office for supporting its dignity. That was the case with that right hon. gentleman: he was obliged to expend those funds which were destined for the support of his family, He thought he might aver, that if Mr. Canning, instead of entering into the public service, had adhered to the profession for which he was educated, and for which he was so well qualified, there could be no doubt that he would have risen to eminence in that profession, and would have left his family in a state of affluence. He might likewise mention to their lordships, that Mr. Canning was, in the year 1821, appointed by the East-India Company to fill the high office of Governor-general of India, and that he was on the point of sailing to take possession of that office, when he was called upon by his majesty to fill the situation of Secretary of State for Foreign Affairs, in consequence of the death of the marquis of Londonderry. If Mr. Canning had been allowed to proceed to India on that occasion, in all probability, by the present time, he would have been on his return to this country, in possession of such a competency for his family, as would have rendered all anxiety on that subject unnecessary. Shortly after Mr. Canning had entered his majesty's service on that occasion, his majesty, feeling that Mr. Canning had given up the profits of that high office, thought proper to confer on him one of those pensions, which his majesty was enabled to confer, by the act which it was the object of the present bill to amend.—He must say, and he believed he was almost the only person, if not the only one, who was able to make the assertion on his own knowledge, that that act of grace, on the part of his majesty, was totally and entirely unsolicited by Mr. Canning. That right hon. gentleman, however, in consequence of never having been out of office, from the period when that pension was granted, had never, according to the provisions of the act of parliament, received any part of the emoluments of that pension. He was consequently exposed to all the expenses attending the representation of the office of Secretary of State for Foreign Affairs, and obliged to defray those expenses from the salary of that office, and from funds derived from private sources. Under these circumstances, Mr. Canning found he could but ill afford to make that representation which his office required, and his family were in a condition by no means affluent, or such as they ought to be, considering their rank and situation.—He would also call their lordships' attention to the alteration which this act made in the prerogative of the Crown, and, consequently, in the situation in which Mr. Canning's family were placed. In all probability, if that act had never been passed by parliament, the same grace and favour which had induced his majesty to confer on Mr. Canning one of those pensions which his majesty was enabled to confer by that act, would have induced his majesty to confer on Mr. Canning a sinecure office; and, if Mr. Canning had been in possession of a sinecure office, he would have had an income equal to the support of the dignity of his office. That, however, was not the only view which might be taken of the effect of that act. When Mr. Canning died, it was well known that he possessed the confidence and favour of his sovereign; and no man who knew his majesty could doubt that if his majesty had possessed the power at that moment, he would have alleviated the afflictions of Mr. Canning's family, as far as they could have been alleviated, by granting to the son the sinecure office held by the father, or have made some other arrangement for providing for his family.—Under these circumstances, therefore, he asked their lordships to impower him to amend that act, in order to enable his majesty to do that which he would have done, if that act had never passed. He therefore hoped that their lordships' would allow the bill to be read a second time.

Lord *Dacre* said, that if the proposition had been to vote a sum of money, he should not have offered any opposition to it. For, though he had, on very few occasions, while Mr. Canning was living, concurred with him, yet no man was more sensible than he was of the great talents, and vast acquirements of that right hon. gentleman. He had been opposed to that right hon. gentleman, on almost all questions of economical reform: he had met in him a most decided enemy to those constitutional principles which he (lord Dacre) had supported; and he had found him on all occasions, the active supporter of every proposition, which went to curtail the privileges of the people; but he must, however, say, that much as he was opposed to the right hon. gentleman, that would not have been sufficient to make him oppose the bill. The noble duke had stated the grounds on which he should oppose the bill. The bill was, to amend an act, which, after long and repeated discussion, had been passed, to put an end to the power of granting reversionary offices, at a time when those who possessed the situation lately held by the right hon. gentleman, thought they had a just claim to enjoy them. The question now was, whether the bill, by which it was proposed to amend the 57th of his late majesty, which had been resolved on after long and serious debates, should pass; by which that act would be amended and repealed, which was introduced to prevent any future minister from establishing a claim to a reversionary place, while in the service of his majesty. To this he could not consent. The enactments of that act expressed, that it was of the highest importance to introduce some substitute for providing for those who held the high offices of the state, instead of providing for them by reversionary grants. Under the provisions of that act, the number of pensions granted was to be limited to six, in the course of twelve years. At present, there were only five of these pensions to be disposed of, and only one was loose and supernumerary. If it were considered, that, under this bill, one of those pensions was fixed on the life of a young gentleman, it served to throw a greater burthen on the country, by the age of the person to whom the interest was given, than was contemplated by those under whose auspices the act was introduced. Their lordships would see that either they were curtailing, by that act, the power of the Crown, or withdrawing from those who had a fair claim to the possession of such a pension, for the services they had performed. The persons next claiming such a pension would find, that one of those which, by the regulations of the act of the 57th Geo. 3rd., they might expect, was occupied by a very young life interest, and, by such an appropriation, there was a greater probability that there would be a pension less to give, than if it had been bestowed on a person who had filled a high office of the state.—He had stated thus much, in order to shew what were the conclusions to which parliament, after an arduous discussion, had arrived. The bill was intended to enable his majesty to provide by pensions for those who formerly had the power of providing for themselves by certain offices. It was certainly true, that Mr. Canning had never enjoyed the pension which had been conferred on him; but why was this? Because, after receiving it, he had been invariably in possession of an office with higher emoluments than the pension he might retire on. The pension was not to add to his salary while he held office, but to be a retiring half-pay. There was another part of the bill which struck him with some astonishment. He knew nothing of the private circumstances of Mr. Canning's family, but this he knew, that ministers had thought fit, to raise one of the family to the peerage. If the circumstances of the right hon. gentleman's family were such as their lordships had been led to conclude, he certainly thought that ministers should have taken care that such vote should have been applied to the maintenance of the dignity of the peerage. But the pension was not granted on the life of the eldest, but on that of the younger son, and was to be placed in the hands of trustees. He regretted that a precedent like this should be established; and could not but lament, that the noble duke had not distinctly asked for a vote of money. Admitting as he did, the great talents of the right hon. gentleman, though he differed from him in almost all questions of political economy, had the bill been merely to give a sum of money, he would not have voted against it. Such a measure would, he thought, have been more consistent with the dignity of the Crown, and more agreeable to the feelings of the individuals who were to receive it. He conceived it would be better to withdraw the bill, and bring forward such a measure as he proposed.

The Marquis of *Londonderry* said, he believed, that even his enemies would not suppose that he was animated by any feelings of political hostility or rancour; and he was sure his friends would not suppose that he acted from any such feelings. It would be in the recollection of their lordships, that during the last session, there was no person who took a more prominent part against the policy of the right hon. gentleman than he did. He disapproved of his arrangements, both as to our domestic and foreign policy; and he had expressed his opposition before their lordships. He would never allow of the phrase, that he had "called a new world into existence." He had opposed the lamentable treaty of the 6th of July. He had opposed the policy which had led, unfortunately, the Russian armies across the Pruth, and perhaps across the Danube, and which might lead to the destruction of the Ottoman Empire. Had it not been for the policy of that right hon. gentleman, the Russians would not have been encouraged to press forward; but he had made what was only a sentiment in him, but was life and death to the Russians, the basis of a treaty; and had he not urged forward the Russians, they would, probably, have followed the policy of the emperor Alexander on that question, and have remained at rest. Being opposed to both the domestic and foreign policy of that right hon. gentleman, if the noble duke had proposed the grant as an acknowledgment of the policy of the deceased, he should have been obliged to oppose the motion. He could not have heard any person stand up in that House and praise the proceedings of the right hon. gentleman. He was glad, therefore, to hear the noble duke ask the consent of their lordships, on the ground that the salary of the Secretary of State for Foreign Affairs was inadequate to his office; that he had been prevented from going to India, and that his family was not provided for. He did not mean to speak of making up what that family had lost; he could feel for that loss as a man should feel. He was glad, therefore, that the noble duke had placed the vote on these grounds, so that he for one, was not prepared to oppose it. There are individuals around me (continued the noble marquis), who have received pensions for their services. Several noble lords have received pensions for diplomatic services. I, however, am one of those individuals to whom the late right hon. gentleman, out of personal hostility, did not choose to award the same pension, though I have the same claim as other noble lords [hear, hear!]. I will not, however, because the right hon. gentleman refused me a pension to which my services were entitled, refuse a pension to his family, being very sensible that his great talents and long services entitled him to it. These are my reasons for supporting the measure, and I give the vote with greater pleasure, in consequence of what has occurred within these few days. I was glad to see certain gentlemen, the friends of the late right hon. gentleman, retire from his majesty's councils. There was certainly a political incubus pressing on the cabinet, and I rejoice, that it has been repressed. Now that the noble duke has the materials of his government constituted equally and uniform, all will be well. I trust, that now the principle of the government will be stable, and that our commercial and agricultural interests will be steadily pursued, without any of those divergencies or those aimings after visionary projects, which had lately distinguished our councils.

The Earl of *Dudley* said, that after the speech of the noble duke, which had stated in so fair, so convincing, and so satisfactory, a manner, the present question, it would have been unnecessary for him to have said one word, had it not been for the statement of the noble marquis. That statement was calculated to convey an imputation on the memory of his late right hon. friend, which it was impossible for him to hear without contradicting. The noble marquis had said, that many persons had received pensions for political services, but that he, the noble marquis, had been refused his from political feeling, by Mr. Canning. Their lordships must be aware, that when it was a question of motive, no man was able to dive into the human heart, and to say what was, or was not, the feeling which prevailed there: it was impossible for him to disprove the imputation; but he would appeal, not only to the friends of that right hon. gentleman, not only to all indifferent persons, but to every political enemy which that gentleman had —with one single exception—and he would ask them, whether they thought Mr. Canning so base in feeling, as to do so base an action in so base a manner? That that right hon. gentleman, like other men of warm feelings, was capable of strong resentments, he had no doubt. He might have felt resentment towards the noble marquis; but, if that right hon. gentleman had wished to show him any mark of his resentment, he would have done it in another shape than by the refusal of a pension. What mark of resentment could it have been, to refuse a pension of 2,000*l.* a year to a noble lord possessing vast estates? He hoped their lordships would allow him to refer to what passed in their lordships' House last year. How did the refusal of the pension stand? An application for a pension was made by the noble marquis to Mr. Canning, at that time presiding over the Foreign Department. What was the result? Mr. Canning, instead of refusing the pension, with that delicacy of feeling which belonged to him, thinking, probably, the noble lord's not a proper case for a pension, but not choosing to take the responsibility of deciding upon himself, referred the application to a friend of the noble lord's brother, to a nobleman who, if he had any leaning at all, might be supposed to have it on the side of the noble marquis. He would not mention the shape in which the noble earl gave an answer to that application. He had no wish to twit the noble marquis on the terms which the noble earl had used: but the refusal was not Mr. Canning's, but lord Liverpool's. With what justice, then—with what fairness—he had almost said with what decency—were we to be told, with respect to an individual who, whatever faults he had, had never, in the whole course of his life, given the slightest cause for an imputation of one paltry action, that he had shown his resentment in so unworthy a manner? Faults he had; but no man was without them: and he could not sit silently and hear such a monstrous imputation cast on the memory of his right hon. friend. He would state the reason for which he believed—for he was not very conversant with the subject—the pension had been refused. The fact stood thus:—There was a certain sum which the Crown disposed of in pensions. The Crown was not, however, enabled to grant pensions to every man who had served a certain time. It was nominally enabled to do so until the pensions were exhausted; the whole amount of which did not exceed 40,000*l.* Then, it certainly was not unfair, in granting a pension, to look at all the circumstances of the case; because it was quite evident that, by granting pensions to men of large fortune, the Crown would be prevented from giving pensions to others equally deserving, and much more in need of them. The noble marquis's income seemed to be very large, and that he took to be the clear and obvious ground, why he had not received a pension. That circumstance was, however, no disparagement to the noble marquis's services.—With respect to the manner in which the present bill had been brought forward, he could not, as a friend to Mr. Canning, help offering the noble duke his thanks for the manner in which he had introduced the measure. He did not mean to say, that the mode in which it was proposed to be done, met his views in every respect, or that the sum to be granted was at all commensurate to the eminent services of the illustrious deceased. As it was, he was satisfied that this grant was only an act of justice, and a well-deserved tribute to the great services which had been discharged by an eminent public servant. Impressed as he was with a deep sense of the merits of Mr. Canning, he was aware, at the same time, that there were many persons who did not agree with Mr. Canning in the course of his political life; and he was ready to concede, that if this measure involved a recognition of Mr. Canning's political principles, they would have good reason to object to it. But he would say, that this measure was founded upon different grounds: it was founded upon the great talents, and the unwearied zeal, which Mr. Canning had displayed in the service of the public for a number of years. It was given to the family of Mr. Canning, because, while living, his official salary was inadequate to the support of his official station, and he had been in consequence obliged to draw upon his private fortune.

Lord *Goderich* said, that while he had the honour of a seat in his Majesty's cabinet, this subject had been discussed, and he had then declared his decided opinion, that it was the duty of government to submit to parliament a proposition of this description. He conceived that the measure was justifiable, not merely on account of the splendid talents and great services of the eminent individual in question, but on the general principle, that if parliament chose to deprive the Crown of the power of conferring rewards upon the family of an individual who had held an important station under the Crown, and who had discharged the duties of that office with ability and zeal, it became the indispensable duty of parliament to bestow those rewards which the Crown had not the power to confer. It was always maintained, however, that though it was fit that parliament should deprive the Crown of that power, it was also equally fit that parliament should be called upon to fill up the deficiency, whenever a case arose which called for its generous interference. He could not, therefore, see any force in the objection of a noble lord to this bill, on the ground that it was an amendment upon an act which had obtained the sanction of parliament. It had been well observed by his noble friend who had spoken last, that this was the discharge of a debt of justice, rather than an act of liberality; and that was a sufficient answer to the objections of the noble lord. There was one observation which had fallen from the noble marquis with which he had been much struck. The noble marquis had said, that the pension which he had asked from the government, had been refused to him at the instance of Mr. Canning, and upon personal grounds. He should not weaken the effect of what had fallen from his noble friend (lord Dudley) by entering into a refutation of that charge, but he happened to know that Mr. Canning had nothing to do with the refusing of that pension. It was the act of lord Liverpool, and of lord Liverpool alone. He happened to be with lord Liverpool at the time when he received the letter of the noble marquis, applying for the pension. Lord Liverpool showed the letter to him and said, "This is a thing which it will be impossible to grant." The noble marquis founded his claim to the pension upon public services. Lord Liverpool distinctly said he had no right to it upon such grounds; and he certainly agreed with lord Liverpool in that opinion. He had stated enough, he conceived, to show that his noble friend was mistaken in supposing that Mr. Canning had any thing to do with the refusal of that pension.

Lord *Seaford* said:—My lords; if I could consider the grant proposed to be made to Mr. Canning's family by the present bill, as affording in any degree a measure, either of his public services or of the estimation in which they are held by the country, I must confess I could not but consider it to be very inadequate. There are, however, I am aware, circumstances by which similar grants are necessarily limited, and which have regulated and controlled the course of the government on the present occasion; considerations which, being quite independent either of the merits of the individual, or of the feelings of the country, render the present grant in no degree a correct criterion of either. And though I should have preferred that this grant had been regulated in the manner suggested by the noble lord, (Dacre) though I regret that it is not in its nature—that of a mere annuity on a single life; or in the amount of that annuity, more nearly commensurate with Mr. Canning's eminent services,—or more suitable to the liberality of a great and generous nation; I will not offer any objection to the present bill, but am content to accede to it, on the grounds proposed by the noble duke, who has introduced the measure with a fairness and candour, for which, as a friend of Mr. Canning, I feel bound to express my acknowledgments.

The noble duke has proposed this grant, if I understood him correctly, simply and generally as a tribute to the memory of an eminent statesman, whose splendid talents and whose life have been devoted to the service of his country, in the highest offices of the state. A proposition so general would, I should have hoped, have had the advantage of avoiding all opposition. It is, indeed, so general as to afford latitude for almost every possible degree of favourable opinion or feeling. If it does not satisfy the wishes, it justifies, at least, the votes of Mr. Canning's warmest friends and admirers; and, avoiding, as it does, any implied disavowal of opposite political opinions, it affords scope for the indulgence (where they exist) of the generous feelings of even a political antagonist. The proposition is also so clear and so simple in its nature, and it rests upon grounds so universally felt and acknowledged, that it has the further advantage of not requiring much argument for its support.

There are, however, some circumstances which, though they bear only indirectly upon the case, and have been, in some degree, touched upon by the noble duke, yet constitute so powerful an appeal to the justice and honourable feelings of your lordships, that I cannot refrain from pressing them further upon your lordships' notice. Mr. Canning, early in life, was deprived of his legitimate inheritance; but he acquired by marriage, a fortune fully sufficient for independence and respectability in private life. At his death that fortune was found to have been considerably impaired. It was not injured by waste or extravagance. No man was less expensive in his tastes or habits than Mr. Canning. When out of office his establishment was small and unostentatious, and regulated with order and economy. But, during a considerable portion of his life, he held high official situations, which imposed upon him the necessity of an increase of expense and of establishment, for which his official salary did not supply the means.

The noble duke has justly observed that the high offices of the state are greatly underpaid. It has, in consequence, been very generally the practice, for persons filling those situations to hold at the same time some other office of considerable emolument. Mr. Pitt, in addition to the offices of First Lord of the Treasury and chancellor of the Exchequer, held that of warden of the cinque ports. Mr. Pitt was a single man, not more expensive in his habits than Mr. Canning; yet Mr. Pitt died very considerably in debt. I have often heard this fact, (as your lordships must), cited, and justly, to his honour, as a proof of his disinterestedness; but I never knew it made matter of reproach as a proof of his extravagance. It was, in fact the natural and necessary consequence of the inadequacy of his official salary to the expenses which his official station imposed upon him. At the death of Mr. Pitt, the office of warden of the cinque ports was given to lord Liverpool, which he has held in addition to the other high offices which he filled during the last twenty years of his political life. Lord Grenville, who succeeded Mr. Pitt as First Lord of the Treasury, held at the same time the patent place of auditor of the Exchequer. The duties of this office being considered to be inconsistent with those of the First Lord of the Treasury, an act of parliament was passed for the purpose of enabling lord Grenville to continue to receive the salary of the auditorship of the Exchequer; the duties being altogether performed by deputy, at the same time that he held the office of First Lord of the Treasury. On the breaking-up of lord Grenville's administration, when Mr. Perceval was appointed to the office of chancellor of the Exchequer, it was thought right to grant to him, in addition, the chancellorship of the duchy of Lancaster.

I will not take up the time of your lordships, by going through a long enumeration of similar cases; but I may venture to assert, that it has rarely happened, except in the case of individuals possessing very ample private fortunes, that the persons filling the high offices of state have not had the advantantage of also holding some other place of emolument. I do not cite these examples in praise or in blame, but merely in comparison, and for the purpose of shewing that Mr. Canning had not the same advantage which many persons in a similar situation did enjoy. The consequence was, that the insufficiency of his official salary, which was necessarily to be supplied out of his own income, not only absorbed the whole of that income, but compelled him to encroach considerably on the capital of his private fortune. An opportunity, however, of repairing this injury was offered as the noble duke has stated, by Mr. Canning's nomination to be Governor General of India. Had he gone to India, he would, previous to the period at which he was cut off, have accomplished this object, and might have bequeathed the means of affluence and independence to his family. These were reasons which might naturally and properly render a man of nice and delicate feelings, and which did render Mr. Canning most extremely anxious to repair the injury which had been done to the inheritance of his children. India also presented to him other attractions, high station, great power, and the example of fame and honours as well as fortune acquired by his predecessors, of whom many are now sitting among your lordships. But when these prospects were about to be realized, Mr. Canning was unexpectedly called upon to fill a station at home; higher, undoubtedly, and more important, and more gratifying to his ambition, but, on the other hand, necessarily involving the aggravation of that injury to his fortune which he was properly so anxious to repair. The station which he was about to fill in India, and that which was offered to him at home, presented a conflict of public and private duties. A tempting career was open to his ambition in each, but Europe was the greater theatre,—the part he was called upon to act more brilliant, and the service to his country more important. On the other hand, in a consideration of private duties, the scale preponderated decidedly in favour of India. His decision was not made without a struggle, but a sense of public duty prevailed.

It has not been unusual for public men, when they have been called upon to make pecuniary sacrifices, on accepting high political situations, to stipulate for some provision for themselves and their families in compensation for those sacrifices. The sacrifice made by Mr. Canning, on giving up India, was fully equal to that of those professional prospects which it has been usual thus to compensate; but Mr. Canning made no stipulation. My lords, there are sacrifices for which a high-minded man may, and properly, not choose to ask for a compensation; but there are those also which similar feelings equally forbid to be accepted without return. Such I conceive to be the case between Mr. Canning and his country; and though no claim has been preferred by his family on this score, though this bill is brought in on other and distinct grounds, it is not the less true, that a debt of honour has been incurred by the country. My lords, how was this felt in the highest quarter? Almost immediately after Mr. Canning's appointment to the Foreign Department, his sovereign spontaneously, as has been stated by the noble duke, and unexpectedly by Mr. Canning as I know—and with a graciousness in the manner of doing the thing, which doubly enhances the value of an act of liberality—conferred upon him one of those pensions which had been placed at the disposal of the Crown upon the surrender of those sinecure offices which had been usually appropriated to the remuneration of eminent public services. But the king could only grant this pension to Mr. Canning for his life, and upon his retirement from office. By his premature death the generous purpose of his sovereign was frustrated, and parliament are now called upon to enable the Crown to carry that purpose into effect, by granting the same pension to one of Mr. Canning's sons. My lords, I conceive that parliament owe it to their own honour and to the honour of their country, not to refuse their concurrence to the acquittal of the debts which I have stated thus to have been incurred, and I cannot believe but that the consideration, that by this proposed grant this debt will not remain altogether unacquitted, will operate upon your lordships' minds as a powerful auxiliary motive in support of it.

My lords, I would here have closed all with which I should have troubled your lordships, but for the observations which have been made by the noble marquis. The noble marquis has found fault generally, and almost without any exception, with the political principles and policy of Mr. Canning. There is, I must confess, a difficulty in replying to these objections, arising out of their generality. If I were to undertake a detailed defence of the whole of Mr. Canning's political life and principles, or to enter into the discussion of the merits of the Greek treaty, to which the noble marquis had specifically pointed his objections, it would be to trespass far more largely upon your lordships' indulgence than on this occasion I should feel justified in doing. With respect to those observations of the noble marquis which are of a personal nature, I shall not do Mr. Canning's memory the injustice of weakening, by any thing which I could say, the impression which must have been made upon your lordships' minds by the able, eloquent, and powerful reply, which has been given to that part of the noble marquis's speech by my noble friend near me. I shall, therefore, content myself with appealing from the disapprobation of the noble marquis, to the approbation of his sovereign and of parliament, confirmed and justified by the approbation of his country—to that approbation not withdrawn while he lived—to the grief which was expressed at his death—to the regret which has been felt for his loss—and which every day's experience has confirmed and encreased. Further, I appeal to the esteem and admiration which are coupled with his name in every foreign country. I cite and attach peculiar importance to the estimation in which Mr. Canning's name is held abroad, because the peculiar and ruling principle of his whole policy renders that testimony particularly valuable. I cannot better illustrate my meaning than by quoting the opinion of a person of no mean authority—a foreigner, influenced by feelings of the strongest prejudice, and of prejudice which rendered this testimony perhaps the most valuable that could be adduced. Your lordships probably have seen a character of Mr. Canning which appeared in the American newspapers, and which is supposed to have been written by Mr. President Adams. I will take the liberty of reading a short extract—

"With all our admiration of the mental "powers of Mr. Canning, whether, as "inherited from nature, or carried to "their highest pitch by the discipline of "business and study; whether we marked "their efforts when brought to the most "momentous trials, or only gazed at "them when they dazzled in lighter ones, "truth compels us to state, that he was "never the political friend of this country. "He was a Briton, through and through "— British in his feelings — British "in his aims — British in all his policy "and projects. It made no difference "whether the lever that was to raise "them was fixed at home or abroad, for "he was always and equally British. "The influence, the grandeur, the do"minion of Britain, were the dream of "his boyhood; to establish them all over "the globe, even in the remote region, "where the waters of Columbia flow in "solitude, formed the intense efforts of his "riper years. For this he valued power "—and for this he used it."

My lords, the American President was right. Mr. Canning was a Briton through and through—British in all his feelings—British in all his policy and projects. To establish the grandeur and influence of Britain, was the dream of his boyhood—the effort of his riper years, and let me add the successful effort. To have acted constantly under the influence of this ruling principle, and at the same time to have won the admiration, and command the esteem, of every foreign country, was the triumph of patriotism and ability, and completed the character of a consummate statesman. My lords, I am content, in Mr. Canning's justification, to go to a verdict of his country upon this testimony, in opposition to that of the noble marquis.

The Earl of *Morley* said, that, having been an intimate friend of the late Mr. Canning, he was anxious to bear his testimony in addition to that of his noble friend, to the public-spirited motives which induced Mr. Canning to relinquish the appointment to the government of India. He happened to have in his possession a document amply confirmatory of the sentiments expressed by his noble friend on that subject. In a private letter, written 30th September, 1822, at the period when he had given up the appointment of Governor-general of India, Mr. Canning, after stating his reasons for doing so, and for accepting of the office of Secretary for Foreign Affairs says—"I take no joy, and I feel none. I have sacrificed my interests, my wishes, and I believe my happiness; but I hope I have done my duty."

Earl *Grosvenor* said, that the act to which the noble duke had alluded was passed under a strong impression, on the part of parliament and the country, that sinecure places were of a mischievous nature. But the noble duke called upon them not to amend that act, but to make an addition to it; for the clause in question was an addition and not an amendment: its object was to authorise the Crown to do an act which it could not do under the existing law. The act which this bill proposed to amend, gave to the Crown the power to grant pensions to certain persons for public services rendered to the country, after their removal from office, and during the remainder of their lives. Now, a pension of that description could not last very long; but the one proposed by the noble duke might last for half a century. A noble lord had said, that this pension should be granted out of the consolidated fund; and he would prefer that mode of proceeding. He wished to consider this question solely in a constitutional point of view. Their lordships were aware, that his majesty had been advised, and was well-advised, to ennoble the family of Mr. Canning, by the grant of a peerage. Now, he would contend, that when a peerage was granted to any individual who had not sufficient means to support it, such means should be given to him along with the peerage. If it were otherwise, titles might be conferred, not in perpetuity, but for life; and a profligate ministry might, upon some profligate occasion, create twenty or thirty votes in that House, by conferring so many peerages for life. If it had been right to confer a peerage upon the family of Mr. Canning, he would say, that parliament, instead of voting a miserable 3,000*l.* a year, should vote some adequate sum to support that dignity. The noble lord instanced the cases of lord Nelson and the duke of Wellington, in which parliament had voted money to support the titles which had been conferred in those instances. They had been told, that the fortune of Mr. Canning had been impaired, and that this 3,000*l.* a year was to be granted to make up for that loss: and certainly, in that view of the question, he was ready to admit that they were called upon to vote it. He would vote for this grant upon public grounds, because Mr. Canning had impaired his fortune in the public service. He supported this grant on account of the zeal, the industry, and the talents which Mr. Canning had exhibited in the service of the country. He should have preferred that this grant had been attached to the peerage conferred upon the Canning family; but, under the circumstances of the case, he should give it his support.

The bill was read a second time.

HOUSE OF COMMONS.

Friday, June 6.

St. Mary-le-bone Vestry Bill.] The report of the committee on this bill was brought up. On the motion, that the amendment be read a second time,

Mr. *Astell* contended, that no case had been made out against the present Vestry. After the books for the last twenty-two years had been examined, certain gentlemen had found that more money had been expended than they were pleased to think necessary; but that fact did not at all show that the Select Vestry were unworthy of the confidence of the parish. They were now called on to put an end to a vestry that had been established, by act of parliament, sixty years ago. It had been found necessary, at that time, to have a Select Vestry, on account of the extent of the parish; but if it was necessary then, how much more was it now, when the population had increased to one hundred and twenty thousand persons. What was the nature of the proposition in this bill? Why, that each inhabitant householder rated at 25*l.* should have a vote in the election of vestrymen. Now, there were in the parish ten thousand rated houses; and would not the House be going too far, in extending so largely the power of such householders? The bill went to overthrow the vested rights of the higher classes of the inhabitants. Many complaints had been made of the vestry: but none of the allegations had been proved; and the duke of Portland had petitioned against the bill. It went to take out of the hands of the present vestry the fulfilment and management of the contracts into which they had entered. They had hitherto carried on the affairs of the parish to the satisfaction of the inhabitants; and no ground had been established to call on parliament to interfere with their management. He should move, as an amendment, "That the report be taken into consideration this day six months."

Sir *T. Baring* said, that the hon. gentleman was altogether ignorant of what had passed in the committee, and could not possibly know how far a case had been made out. He was himself acquainted with many members of the Select Vestry, and entertained respect for them individually, while he refused them his confidence as a public body. Their gross extravagance was proved by the fact, that the parish under their management had incurred the enormous debt of 227,000*l.*, although possessed of an income of 150,000*l.* per annum. But, independently of this mismanagement, he objected to the body, on constitutional grounds. The principle itself was a departure from the spirit of the English constitution. They were invested with powers not granted to any body in the state. They nominated themselves, judged their own cause, and audited their own accounts. How could the hon. member say, that such a system had received the approbation of the inhabitants, in the face of their solemn protest against it? Not to mention other facts against the management of the vestry in 1811, such as the giving of 470*l.* for a dinner, the parish actually borrowed money in 1814, at the enormous discount of twenty per cent. While they were building a chapel in the parish at a vast expense, an alteration was suggested, which compelled the architect to have a considerable part of it pulled down. It was also proved, that the item of church furniture was not less than 2,000*l.* For covering the pulpit, the charge was 159*l.*; for covering the reading desk, 139*l.*; for the churchwardens' table, and its appurtenances, 166*l.*; for two chairs, 213*l*; for cushions, 100*l*,; and for the clerk's desk, 261*l.* They had also purchased colonel Eyre's ground for a watch-house; they paid a large sum, and yet it was not yet appropriated to that purpose. Their rates had increased fifty per cent during the last four years. They wanted to have a picture for the church, and applied to Mr. West, who painted a piece on muslin according to their directions. Although it was to have been a transparency, they made no arrangement for fixing it before the light, and it was in consequence laid aside. This they might have had for 120*l.*, but they gave 800*l.* To Mr. Rossi, for certain figures, they paid 400*l.* Aggrieved by such extravagance, and oppressed by so mischievous a principle, the parish had had no alternative but to apply for the present bill.

Mr. *Ross* said, that the hon. baronet had been misinformed in many of the statements he had made. He had stated the parish debt at 227,000*l.*; but he had overlooked the fact, that a great part of it consisted of annuities. He had valued those annuities at the price they cost when the money was borrowed, which was 98,000*l.*, when he ought to have made his estimate upon the present value, which would reduce that amount by 30,000*l.* The amount of the income of the parish he had stated at 150,000*l.*; but it was in reality, only 110,000*l.* In one instance, a dinner had been given on a perambulation, but that was the only instance of the kind. With respect to the change from the chapel to the church, the cost to the parish only amounted to 2,000*l.* If the House thought there had been some unwise expenditure, at least no corrupt motive had been proved. Out of the seventeen members who had voted for this report, nine were not present when the evidence was given, and of the remaining eight four only had attended a single meeting. He knew that they had said they did not care for the evidence, but that was not the thing he complained of. He denied that the accounts were a secret to the inhabitants. Every respectable parishioner was able to see the accounts of the parish, if he requested to do so.

Mr. *Hobhouse* said, that the hon. gentlemen opposite had displayed a very earnest kind of eloquence on behalf of the select vestry, and he was not surprised at it, as they were, in fact, their own clients, being members of that body themselves. He was, however, notwithstanding all that had been said, as much opposed to the principle as ever; being well assured, that such power could never be exercised with satisfaction or advantage to the parish. It was asserted, that none of the allegations against their management were proved; But this he must deny, as several had been so far substantiated as fully to warrant a conclusion against the system generally. He was astonished to hear it asserted, that the inhabitants were satisfied, when it was known that five thousand had petitioned for the bill. Would it be affirmed that they were not parishioners? Although the duke of Portland was not a personal friend to the measure, five hundred of his tenants had given it their support. It was monstrous, that this irresponsible body, possessing a power so abhorrent from the spirit of the British constitution, should be suffered any longer to exist. The vestry said, "It was avowed that this bill, if carried, was only the first of a series of attacks against the system of select vestries generally." He, for one, avowed such an intention, and was about to give his vote in hopes of reforming the general frame of those bodies.

Colonel *Baillie* insisted that the grievances complained of were wholly imaginary. The rates were less, on an average of ten years, than they had ever been, and the vestry contemplated a further reduction. The parishioners were in general satisfied with the decisions of the vestry in cases of appeals.

Sir *T. Fremantle* contended that the charges against the Select Vestry were unfounded, and had originated in prejudice.

Mr. *Hume* denied that the annual revenue of the parish was only 100,000*l.* In twenty-one years the vestry had collected 1,848,000*l.* The last account stated the revenue at 154,000*l.* in the preceding year it was 158,000*l.*, and in the year before that 149,000*l.* This was exclusive of a debt of 227,000*l.*, making the actual expenditure in twenty-one years 2,075,000*l.* In 1813, the parish agreed to build a church, which was to cost 19,810*l.*, and after it had been erected, even to the cupola, by a vote of seventy-six select vestrymen, it was ordered to be pulled down, and re-constructed at an expense of 75,000*l.* He put it to the House, whether it was fit that the vast majority of a parish, hostile to such an extravagant vote, should be bound by it. It had been proved also, that 2,152*l.* had been laid out upon velvet for the altar-piece, and 12,000*l.* given for the site of St. Mary's church, which had been bought of individuals connected with the vestry. He did not, however, mean to bring forward any charge of corruption. The vestry had a lease of the workhouse from the duke of Portland; and from 1798, to 1827, 79,900*l.* had been expended upon it. The sum of 27,000*l.* had also been applied to the erection of a court-house for the meetings of the vestry. The vestry had borrowed money of one of their own body at five per cent., and had refused to take the loan from another party who offered it at only four per cent. These facts shewed that some control over the vestry was necessary. And what was the control provided by the bill? Merely that one-third of the vestry should retire every year; so that a vestryman continued in office for three years: the vacancies were to be filled up from the parishioners, and no man was entitled to vote who was not rated to the extent of 25*l.* per annum.

Dr. *Phillimore* objected to the bill, as he thought such an election annually would be productive of periodical tumult and disturbance, and he did not think any blame attributable to the present vestry.

Sir *E. Owen* contended, that, for the sake of the peace and quiet of the parish, it was necessary that the bill should be passed.

Sir *T. Baring* said, he was as anxious as any body to avoid the evil of a popular election; and was willing to raise the qualification of a voter to 50*l.*, or even to 100*l.*

Sir *F. Burdett* thought that the objection suggested by the learned doctor, on the ground that an election, such as that proposed, would disturb the peace of the parish, was wholly refuted by the practical effects of the same system in an opulent and extensive parish adjoining. They had there an example to the contrary. There was no annual tumult consequent on the election; but all their proceedings were conducted in the spirit of harmony and concord. The House ought to remember, that there was a large property at stake on the present occasion, and that if wealth, character, and rank, were entitled to consideration, they were arrayed in favour of this measure in the parish. What was the dangerous doctrine against which so much alarm had been excited? Why, a 25*l.* annual qualification, and this apprehension was urged in a House of Commons as a too strong experiment of free election—a portion of whose members was returned by 40*s.* freeholders. He did hope, in justice to the parish, in obedience to the dictates of common sense, and in accordance with the general desire expressed on the occasion, that the House would consent to the bill.

The House divided: For the Amendment 105; Against it 88; Majority 17. The consideration of the report was consequently put off for six months.

Bull Baiting.] Mr. *Littleton* rose, for the purpose of presenting four petitions from Staffordshire, praying that a law may be enacted for the prohibition of the practice of Bull-baiting. After the late member for Galway (Mr. R. Martin) had succeeded in obtaining a bill for the better protection of cattle, magistrates, generally, for some time, acted on the impression, that a bull came within the term cattle. The court of King's Bench, however, had come to a contrary decision; and all the Judges had given it as their opinion, that bulls were not cattle, and, consequently, that they were not protected from being baited. It was decided, that cows and steers, of the age of two years, were cattle; but, that the adult male did not come within the description. This refinement of the court of law, he did not understand; and if Mr. Martin had not thought that his bill would put an end to the practice of Bull-baiting, he would have introduced a clause for the purpose, that it might never be looked upon as a matter of doubt. On the question itself, he had great doubt whether it would be wise in the legislature to put an end to Bull-baiting by positive enactment. He could not make up his mind that it was proper to deprive the poor and labouring classes of this species of amusement or sport (if sport it really was), while the rich were permitted, by the game laws, to possess an exclusive enjoyment, which, upon every principle, must be held equally cruel. Hunting, shooting, and horse-racing, might be less brutalizing in their effects; but it seemed hard that a poor man, who earned his money by the sweat of his brow, and required relaxation, should not be allowed to spend a few shillings as he thought proper upon his pleasures. It was, perhaps, wiser not to interfere, but to trust to gradual improvement and to the consequent gradual advancement of civilization — for the termination of a practice to which, unquestionably, there were objections.

Mr. *W. Smith* supported the prayer of the petitioners. As even the hon. member himself had admitted that the practice was brutal and brutalizing, the sooner it was put an end to the better.

Sir *James Mackintosh* presented a similar petition from West Bromwich. He entirely concurred in the prayer of the petition, and, though he was not prepared with any practical measure, he thought that the legislature might interfere with effect to prevent these barbarous and brutal sports.

Sir *J. Newport* concurred in all that had been said on the subject, and cited the case of Waterford, in which the brutal practice had been terminated by the resolution of the mayor of that city.

Mr. *Benett* followed on the same side. He said, he recollected when the practice was so prevalent, that in one day there were three Bull-baits in the cathedral church-yard of Wells. No legal mode of preventing it was available; as he was told that the people had a prescriptive right to bait bulls there on one day in the year. He was happy, however, to learn, that from the influence of public opinion, the cruel practice had ceased altogether in Wells.

Sir *J. Wrottesley* concurred in what had fallen from his hon. colleague, being quite sure that the increase of moral and religious feeling would shortly put an end to Bull-baiting, without recourse to a legislative enactment.

Ordered to lie on the table.

Miscellaneous Estimates.] The House having resolved itself into a Committee of Supply, to which the Miscellaneous Services were referred,

Mr. *Dawson* said, that, in laying these estimates before the committee, he should be ready to give every information in his power, as to the grounds on which they were framed. There was, however, one item to which he wished more particularly to call the attention of the committee, as he thought it related to a subject in which hon. members must feel considerable interest. He alluded to an item of 7,000*l.* for finishing the committee-rooms of both Houses of parliament. This was the last sum which would be required for completing those buildings. When gentlemen considered the great convenience which had arisen from the increased accommodation afforded for the committees of that House, and the still greater convenience that would be afforded by the addition of a good library, he thought they would not think the expense too great. They had a room of very handsome proportions, a room possessing every convenience for a library, with the exception of books; and he thought it would be a reflection on the House, if hereafter any person went into that room and found it, as it was at present, without a single volume connected with law, history, geography, or general literature. He did not mean to propose any vote on this subject; but, in his opinion, a proper library ought to be formed, consisting of books of reference—books of general knowledge, connected, not only with the history of this country, but the history of Europe and the colonies. It was, perhaps, too late in the year to propose a grant for this purpose; but next year, if such a vote was brought forward, he trusted that it would meet with the encouragement it deserved.

Mr. *S. Rice* said, that, although when he first brought the subject of the library under the consideration of the House, his views had been misrepresented, and much sarcasm had been thrown on the project, he was convinced that it was a proper object on which to lay out a portion of the public money. He should be glad to see a sum of money voted in the present session for so desirable a purpose. He could wish the library to be open even when parliament was not sitting, for the convenience of members, who, when casually in town, might not have access to other depositories of knowledge.

Mr. *Bankes* thought the House of Commons ought not to be without a library. It would, however, in making a selection of books, be as well to wait until next year, because probably they might then obtain, at a moderate price, duplicates of valuable works from the British Museum.

Mr. *Bright* said, it was of very great importance to have a library to refer to.

Mr. *Hume* approved of the formation of a library, and thought it ought to be kept open constantly. He was highly pleased with the conduct of Mr. Spiller, the librarian, who received only 100*l.* a year for his useful and unremitted services.

The *Speaker* said, he had heard with great pleasure the eulogium bestowed on Mr. Spiller. The duties imposed on the librarian were scantily remunerated. He, however, had never heard any complaint from that individual. He believed that, with the exception of a fortnight in the year, the library was open to every member.

Sir *M. W. Ridley* said, that the labour of Mr. Spiller in the library had become so great, that it would be necessary for the House to grant him some assistance.

The *Chancellor of the Exchequer* was of opinion, that a larger remuneration should be granted to the librarian, and entirely approved of the formation of a library.

On the resolution, "That 80,000*l.* be granted to defray the expenses of the alterations in Windsor Castle,"

Mr. *Hume* begged to know when there was to be an end to these alterations? When they were in their prosperity and had a god-send, they gave part of it, 500,000*l.*, to finish Windsor-castle. Then it was found that more was necessary, and the estimate was 644,500*l.* Now they were asked for 80,000*l.*; so that there remained 64,500*l.* to be paid. He must therefore beg to know whether this was all they would be asked for?

The *Chancellor of the Exchequer* said, he felt himself bound to answer the question, from the double capacity in which he stood, of commissioner and chancellor of the Exchequer. It was true, that at first, 500,000*l.* was thought sufficient to carry into effect all that had been contemplated; but it was soon found that more would be necessary, and the expense was then estimated at 644,500*l.* He was bound also, in candour, to add, that it was supposed that 50,000*l.* more will be required; making the whole nearly 700,000*l.* It must be recollected, that the original *data* on which the estimate was founded were extremely uncertain. Windsor-castle was not a building that was to be raised from the ground, the expense of which might be easily estimated; but it was an old building that was to be repaired. However, an estimate was made, but on examination it was found that the timbers were in that state of actual rottenness, that it was wonderful the building stood at all. The replacing of these timbers enhanced the expenses beyond any thing that could have been contemplated. The foundations, too, in many parts of the building, were in such a condition, that perpetual additions were made to the expense. But this was one of the cases in which, though the expenses were great, they were extremely satisfactory. Windsor-castle had been not only made one of the most convenient and elegant palaces for the monarch of this kingdom, but it was among that rank of buildings which would be the pride of the country, and attract the admiration of foreigners. He believed the money not only to have been well laid out, but that the country had money's worth for its money.

Sir *M. W. Ridley* confirmed the statement of his right hon. friend. Not a single shilling had been wastefully expended; not a stone had been placed which was afterwards withdrawn. Every thing had gone steadily and regularly forward, and in the best possible manner. It was the unexpected rottenness of some of the timbers which had so much enhanced the expense. On one occasion, a ceiling of one of the rooms had given way; and had there not fortunately been workmen on the spot, the whole north side would, in all probability, have come down. There was every reason to suppose that no further sum would be required for furniture than that stated in the estimate. There must undoubtedly have been a much greater outlay on that account, had not all the ornamental furniture, the candelabra, &c., been removed from Carlton-house, and carried to Windsor. The 50,000*l.* additional, which it might be necessary to call for hereafter, would be for the purpose of completing works not originally contemplated, because not considered at that period to be absolutely necessary, but which on further survey were found to be indispensable to the completion of what had been begun. It would be the last money called for, for the present purpose; but he must state it honestly to be his opinion, that Windsor-castle would not be what it ought to be, unless, at some future period, an additional sum of money should be laid out upon it.

Mr. *F. Lewis* said, the fact was, that Windsor-castle had been left too long without repair. Nothing could be more gratifying than the sight of what had been done. He could not adequately express his admiration of the identity of effect which had been produced between the old and the new part of the structure. It was quite surprising that so much had been accomplished with the means. The money that had been already voted, however, was not, in his opinion, sufficient to do what ought to be done. Looking at the fair degree of splendor which ought to belong to the principal palace of the Sovereign of this country, he hoped parliament would not abandon the undertaking until it should be completed. No one could say that the money hitherto granted had not been well applied.

Mr. *Hume* could not permit the hon. gentleman's statement to pass without entering his protest against it. It was mighty well for an hon. member to talk of a splendid residence for the king of the country. The hon. member had said, that no one would object to the expense that had been incurred. There were millions who would object to it. At a time when bread could scarcely be found for a large portion of our population, it was unjustifiable to lavish such sums upon such purposes. The expense, within the last four years, of Buckingham-palace and Windsor-castle would not be paid with 1,200,000*l*; and yet the hon. gentleman talked of going on, until the castle was made to suit his taste. It now appeared, notwithstanding the chancellor of the Exchequer's statement, that a further grant of 50,000*l.* beyond the sums comprehended in the estimate would be sufficient, that a million of money would hardly be adequate. He wished to ask the right hon. gentleman, why he did not convert various useless royal edifices to purposes of public benefit? For instance, there was Hampton-court.

What was its use, except to maintain certain individuals at the public expense? The palace at Kew he was happy to understand, was about to be removed. The right hon. gentleman ought to direct his attention to getting rid of any of these buildings which were unnecessary. He did hope that a termination would be put to the expense of Windsor-castle. When they saw thousands ruined around them by the pressure of taxation in order to complete this place in a style of unnecessary splendor, it should induce them to pause in their career. The Crown of England did not require such splendor. Foreign countries might indulge in frippery, but England ought to pride herself on her plainness and simplicity. Yet we saw our soldiers clothed in gold lace and other finery, while thousands of the people were starving. This lavish expenditure, this profusion of gilding and gold lace were probably in conformity with the taste of the Committee of Taste. He understood that some of the chairs in Windsor-castle cost 100*l.* or 200*l.* a piece [cries of "No! no!"]. At any rate, 167,000*l.* was put down in the estimate as the expenditure incurred and to be incurred in furnishing the castle. He trusted that the right hon. the chancellor of the Exchequer, if he remained in office, would draw in this item of the public expenditure as much as possible.

The *Chancellor of the Exchequer* said, that with regard to regret for the expenditure that had been incurred, that regret would have been better expressed before the works were begun. To complain now was to complain at the wrong end of the business. He must repeat, that, of all the buildings he had ever seen, Windsor-castle was the most magnificent, and the best adapted to its purpose. It ought to be recollected, that Windsor-castle was the only palace ever erected for the king of England. Other palaces had been presented to the king of England by his subjects, or bought and improved for his use; but Windsor-castle was the only palace in this country that had ever been built as such. As to the furniture of Windsor-castle, the fact was, that there had actually been none in it. His late majesty being anxious, during the long war, to avoid increasing the pressure upon the country, had forborne to add any furniture to that already in the castle. This abstinence imposed on his late majesty's successor the necessity of incurring a heavy expense to supply the deficiency. If, therefore, the hon. member thought the estimate for furniture a large one, he must recollect for how many antecedent years the public had been exempted from expense on that score. With respect to the general question, all he was desirous of was, to finish the works in a manner suitable to that in which they had been begun; and, when that should be accomplished, to avoid, as far as was possible, any further expense.

Mr. *Hume* said, he had never objected to the king's having a suitable palace. The only question was whether, after all, he would have one. The palace at Buckingham-house was disgraceful to every one connected with it. The money which had been laid out upon it, and the manner in which the money had been expended, were equally censurable. Adverting to what the right hon. gentleman had stated of the forbearance of his late majesty in furnishing Windsor-castle, he thought the moderate expense of the late reign was more suited to the simple and chaste old English character, than the course which had been since pursued.

The *Chancellor of the Exchequer* said, he had merely stated, that, in consequence of a long and expensive war, his late majesty had refrained from purchases which were even necessary, and the House had seen how the hon. gentleman had turned this expression. He was sure it was not necessary for him, in that House, to speak in defence of his sovereign; he was sure that in that country, the people entertained much juster notions of their sovereign, than the hon. member had expressed. The hon. member might charge him with keeping up unnecessary splendor, but it ought to be recollected, that his majesty had done much for the country, and that he at least deserved to be spoken of respectfully. [Cheers.] The hon. gentleman had chosen the very night on which the question of his majesty's splendid gift to the country—he meant the library of the late king—had been called to the attention of the House, to indulge in these observations. If, however, that gift, and the expenses of his majesty's palaces were set against each other, there would be found little charge upon the country.

Mr. Secretary *Peel* said, that, he could not hear what had fallen from the hon. member for Aberdeen, without entering his decided protest against the introduction of the name of the sovereign into the debates of that House. If the hon. member thought that a greater expense had been incurred than was justifiable, he ought to bring forward a charge against his majesty's confidential advisers. To introduce the name of the sovereign in discussions in that House was contrary to the doctrine and practice of the constitution. The hon. member must know that the Crown could not incur any expense, except on the advice of its ministers. It was, therefore, most irregular and unconstitutional, to introduce the name of the sovereign into the discussion. If introduced at all, it ought to have been introduced as the name of the patron of every liberal institution; the warm friend of the arts and sciences; the ardent and anxious supporter of the best interests of the country.

Mr. *R. Colborne* said, he was the last man to sanction any unnecessary expense; but he must express his admiration of the solid and excellent manner in which the repairs of Windsor-castle had been effected.

Sir *M. W. Ridley* said, that the structure of Buckingham-palace, which the hon. gentleman had called a disgrace to all who were concerned in the erection of it, had nevertheless found admirers. He would venture to say, that when it was completed, it would be pronounced any thing but a disgrace to those who had superintended its erection. The same thing had been said of Regent-street; but what did people say of it now? As to the site of the palace, it was not the best possible, but it was chosen because it would not interfere with the conveniences of the people. It was at first proposed to build at Kensington-gardens, but that would have encroached on the comforts of the public. The same objection was thought fatal to the proposal to build the palace at the edge of the Green-park.

Colonel *Davies* said, that when he looked at the square towers at the side, and at the wretched inverted egg-cup, at the top of Buckingham-palace, he must concur with his hon. friend, that it was a disgrace to all who were concerned in it.

Mr. *Hume* said, he had intended to speak of the king with no disrespect, but only to regret the taste which he had displayed. If, however, he had said any thing which could be construed into disrespect, he was sorry for it. He had intended merely to declare his sorrow, that the taste of his majesty was not of that simple, chaste, and solid English kind, which he thought most suitable to the character of the people. He was not aware that he had done more than that, and did not think that the right hon. gentleman had any occasion to read him a lecture on the subject. If, when he was called upon to vote away hundreds of thousands of pounds, regard for any individual was to prevent him from expressing what he honestly felt, there was an end to all deliberation.

The resolution was agreed to. On the resolution, that 15,000*l*. be granted for the establishment of the Penitentiary at Milbank, from June, to December, 1828,

Mr. *Hume* asked, whether that establishment was intended to be given up. It had been admitted last year, that it had not answered the purpose for which it was built.

Mr. Secretary *Peel* said, there had undoubtedly been a considerable expenditure with respect to the Penitentiary, but the building being now completed, he thought it would be improper to abandon it. In proportion as capital punishment was mitigated, it became necessary to find the means of secondary punishment. The Penitentiary afforded one of those means. The establishment was conducted on the most economical principles. It was superintended by a committee of twenty-one gentlemen, who devoted their time to that purpose gratuitously.

Mr. *Maberly* said, that 500,000*l*. had been laid out on this place, and the expense now required to maintain it was greater than would be wanted for supporting in the hulks an equal number of men. There was, besides, this objection, that in the latter place the labour was unprofitable, while in the hulks the labour of the convicts produced 80*l*. a-head.

Mr. Secretary *Peel* said, that all prisoners could not be sent to the hulks, but only those who were strong enough to work. He thought it would be as erroneous to abandon altogether the hope of reforming prisoners, as it was to attach too much importance to it. As affording an opportunity of steering a middle course between the two extremes, the Penitentiary was highly useful.

The resolution was agreed to. On the

resolution that 16,182*l.* be granted for the expense of the Society for the Propagation of the Gospel in certain of the colonies,

Mr. *Hume* objected to the grant. The Society had been a long time established, and for years used to receive a small grant from government, for the support of missionary clergy of the Church of England, but of late years it got this large sum, and had received altogether 145,000*l.* Now, he wished to know how this large sum had been applied. From the account of a Mr. Griffin, who had been employed in Canada on the mission, it appeared that the episcopalians formed but a small portion of the inhabitants in Lower Canada, they did not form one sixteenth, and in Nova Scotia about one tenth. The great mass of the people did not wish for this grant, and ten thousand had petitioned against the application of the money of the public in this way. He would therefore propose, that one half the grant be reduced this year, and next year he would move that the whole be discontinued.

The *Chancellor of the Exchequer* said, that this was not a new grant; a sum was formerly granted by government for the support of the clergy of the Church of England in Canada, but it had of late years been transferred to this society, who applied large funds of their own to the same purpose. In Nova Scotia twenty-eight thousand of the inhabitants, were members of the Church of England, which was a greater number than any one body of dissenters in that colony, He considered the assistance rendered in this way by government, for their instruction, well applied.

Mr. *Monck* said, he wished well to the society, and hoped it would increase, but he did not think that it required any addition from government for the object mentioned. It was clear the members of the Church of England in these colonies were the minority, and he did not see why they should not pay for their own religious instruction, as well as other bodies of Christians.

Sir *R. Inglis* said, it did not appear that the money had been misapplied. He would therefore support the grant.

Sir *T. D. Acland* observed, that it would be great injustice to a very useful body to have this grant withheld, and that it would be unfair to take the House by surprise on this vote.

Mr. *Hume* denied that he took the House by surprise, for he had given notice of his objection last year.

Mr. *Monck* said, if he thought that the withdrawal of half the grant would leave the clergy of the Church of England destitute, he would not support the amendment, but he could not think that the members of that Church would refuse to provide for their clergy if left to themselves.

Mr. *O'Neil* said, he would support the grant, as he was unwilling to leave the clergy to the generosity of the public.

Mr. *Labouchere* supported the original motion, but did not mean thereby to make the episcopal church the dominant party in the colony.

Mr. *Hobhouse* said, that, unless he could get some assurance that the grant would be reduced next year, he must support the amendment.

The *Chancellor of the Exchequer* said, he could not give any assurance of that kind.

Mr. *Stuart Wortley* said, he had great doubts as to the policy of continuing this grant, which was applied exclusively to the ministry of the Church of England. A large majority of the North American colonists were dissenters, and it had lately been resolved by one of the legislative assemblies, by a majority of thirty-five votes, that the Church of England was not the predominant religion. He therefore thought it should be submitted to a committee of that House, to decide whether the vote should be continued, and if continued, whether the money should not be distributed according to the religious circumstances of the population of the colonies.

Mr. *Hume* thought this a fit subject for the consideration of the Finance-committee, or some other that might be appointed for the purpose. He would therefore move, that the vote be postponed for fourteen days, to allow time to have it examined.

The *Chancellor of the Exchequer* remarked, that the hon. gentleman, as a member of the Finance-committee, must know how inconvenient it would be to have the course they had chalked out for themselves broken in upon, for the purpose of discussing the employment of the public money for religious missions in North America. The subject in itself was very important, but it could not be usefully undertaken by the Finance-committee; nor by the Canada committee; for their inquiries were too general and extensive to admit of their devoting sufficient attention to this subject.

The committee divided: For the Postponement 28; Against it 107; Majority 79. The original resolution was then agreed to.

List of the Minority.

Abercromby, r. hon. J.	Palmer, Fysche
Benett, J.	Pendarvis, F. W.
Brougham, H.	Ponsonby, hon. G.
Cave, Otway	Russell, J.
Davies, col.	Smith, Wm.
Dawson, A.	Waithman, alderman
Grattan, H.	Wilbraham, G.
Grattan, J.	Wilson, sir R.
Guest, J. J.	Webb, col.
Hobhouse, J. C.	Warburton, H.
Lumley, S.	Wrottesley, sir J.
Maberly, J.	Wood, alderman
Martin, J.	Wood, John
Monck, J. B.	TELLER.
Normanby, lord	Hume, Joseph

The other resolutions were agreed to, and the House resumed.

HOUSE OF LORDS.

Monday, June 9.

Roman Catholic Claims.] The Marquis of Lansdowne having moved the order of the day, the clerk read the following Resolution—

"That it is expedient to consider the state of the laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the United Kingdom; to the stability of the Protestant establishment; and to the general satisfaction and concord of all classes of his Majesty's subjects."

The Marquis of *Lansdowne* said, he rose, pursuant to notice, for the purpose of inviting their lordships to concur in the Resolution which had just been read; not less in deference to the extreme importance of the subject than to the custom which had been usually, if not invariably, followed in their lordships House, when any communication of the importance of the one now before their lordships came from the other House, of founding some proceeding upon it. He was ready to confess that was his chief apology, as it was one of his principal inducements for putting himself forward on the present occasion; for, though he had twice before been intrusted with the petitions of the Roman Catholics of Ireland, he had stated confidently to their lordships, that as far as his duty with respect to that most numerous and respectable body was confined to them, he considered that duty to be discharged, when he presented their petitions to their lordships, stating the grounds upon which they were entitled to their lordships' consideration; and, in now proposing to their lordships to found some proceeding upon those petitions, he was not induced to do so by a consideration of any benefits which were to attach to the Roman Catholics of Ireland, or the Roman Catholics of this empire exclusively, but to the whole community, Protestant as well as Catholic. He was not now addressing their lordships on behalf of a part, but of the whole community, and he should not feel justified in making any proposition to their lordships, were he not satisfied, that the proposition he was about to make was one which would be conducive to the Protestant interest, to the Protestant establishment, and to the Protestant prosperity in the empire. With that feeling he called upon their lordships to consider the present proposition, and he did so upon the broad ground of expediency. He did not know what duty their lordships had to discharge in that House, if they were not to act from a consideration of public expediency. He did not know why they sat there to legislate, if not for the purpose of adopting laws such as the exigency of the times required. With respect to the present question, he hoped he should never hear asserted any thing like a principle of sacred obligation, which required the exclusion from the benefits of the constitution of any part of his majesty's subjects on account of their religious opinions. He confidently asserted, that neither that gospel, in which we all believed, nor that morality, which we had all learned, nor the form of the constitution, commencing from the time of Magna Charta, under which we had the happiness to live, required or even permitted the exclusion of any class of his majesty's subjects from a participation in all civil rights, on any other ground than that of the highest expediency. It was therefore incumbent on those who thought that the time was come for the admission of those persons who had been excluded from the enjoyment of the constitution, to show that that expediency under which they had originally been excluded did not continue; and, if it did not continue, the whole point was gained, and the Roman Catholics must be admitted, according to every principle of the constitution, to the benefits which they claimed.

But he was relieved from this consideration; for their lordships would recollect the manner in which that principle had been laid down in a former debate. A right reverend prelate had recently, in a manner not to be forgotten, laid down most ably and clearly the principle upon which exclusion originated; namely, from expedience alone; nay, going further, and saying that it was the duty of the legislature, if there should exist a necessity for imposing restraints, to take care that it should be the *minimum*, the smallest amount possible, which should be imposed on any class, consistently with the safety of the constitution. That was the ground upon which he was prepared to call upon their lordships to take this subject into their consideration.

The present question was, and it was not, a new question. It was not a new question, inasmuch as it had repeatedly engaged the attention of the legislature,—inasmuch as it had, at various times, engaged the attention, and excited the efforts, of almost every distinguished statesman in this country, all of whom had come to the conclusion in which their lordships were now invited to join. Of almost all those distinguished persons, this question had been the subject of their most brilliant efforts in that and the other House of Parliament. It had also been the subject of their dying apprehensions, when withdrawn from the active scene of life, and casting a look to the future; at a time when every thing like party considerations was removed from their minds. He therefore stated, that, so far, the present was not a new question; but there were points of view in which it was to be considered as a new question. It was new, from the very circumstance alone, that it came now for the third time, or more than the third time, recommended to their lordships by the House of Commons. It was a new question, inasmuch as it came recommended to their lordships consideration by the concurrent views of policy, now adopted in different civilized countries throughout the world,—inasmuch as it came recommended by a consideration of the state of Ireland itself.

In this way he proposed to discuss the question, leaving out of his view several considerations which had formerly been connected with it. He should follow that course, because he deemed many of those considerations to be exhausted—because he thought many of them to be irrelevant—and because he knew many of them to be abandoned by those who formerly thought them tenable grounds of opposition to the claims of the Catholics. He should not detain their lordships by entering into any historical details, knowing as he did that such details were generally mixed up with events of a debateable nature. It would be sufficient for his argument to assume, that which he expected would be readily conceded to him—that the whole course of the history of Ireland had been of a description well calculated to keep alive the expectations of its inhabitants, as to the arrival of a period at which they would be admitted to a participation in the enjoyments of the rights and privileges of the constitution, in common with their Protestant countrymen—expectations, which, by their existence, had kept alive those sentiments of justice and of patriotism, which ought never to slumber in the minds of the governed, and which ought always to be present before the minds of their governors. He should dispense in a few words with an argument which on former occasions had been formerly much dwelt upon. He alluded to the argument, that Ireland, being a country where a large portion of the landed property was held by the tenure of confiscation, required to be governed on principles essentially different from those upon which England was governed. He was not surprised that such an apprehension should have been entertained upon former occasions as to the state of Ireland, though he well knew that it had never been indulged in by those who, from their property and connexion with Ireland, were likely to feel the deepest interest in its tranquillity and prosperity. He was not surprised that it should not have been adverted to during the late discussion: for it so happened, that since the former discussion, their lordships, as well as the other branch of the legislature, had both appointed committees to examine into the state of Ireland, and from the evidence given before those committees, it appeared, that with respect to all the confiscated property, regarding which so much alarm had been represented to exist, there had been the strongest disposition, on the part both of Catholics and Protestants, to become possessed of it, notwithstanding the dangers to which it was exposed. That evidence proved, not only that capitalists, lawyers, and merchants, were eager to purchase it, but that Catholic capitalists, lawyers, and merchants, pressed forward to become proprietors of it. Nay, that so gross was their understanding, and so blinded their judgment, that because the title to such property was the most unquestionable that could be found in Ireland, they held the terrors of the Court of Chancery more formidable than those of the Vatican, and took counsel from their solicitors rather than from their confessors. He supposed, that when Pastorini's prophecies were fulfilled, these worthy sons of the church would be prepared to resign the property which they had so purchased to the descendants of the ancient princes of Connaught and of Ulster, when they came from their forts and their mountains, to demand it; but he thought he might add, that it would not be till then.

He would leave that topic, and proceed to contrast the laws affecting the Roman Catholic subjects of Protestant states in other parts of the world, with the laws affecting them in this country. He would say, that he knew of no theory of government which had emanated from the mind either of law-projector or of political enthusiast so absurd, as that which was supposed to be the best mode of governing Ireland, under the laws as they now were. He conjured their lordships not to suppose, because those laws had existed for one or two hundred years, fairly engrossed on their Statute-book, that on that account they formed the less a new theory, when applied to the new circumstances which had sprung up, since their enactment. Let not those who are adverse to change, and who are wedded to one solitary spot in legislation, flatter themselves with the idea, that the foundation on which they stand was not weak. He would tell them, that, whilst they fondly supposed that they were standing on the same ground with their predecessors, that ground was washed from under their feet. He would tell them, that they had neither the same rock to rest on, nor the same support to buoy them up. He would tell them, that they had to deal with a state of things which was without example in the present condition of the world. Such a consideration would suggest the only proper mode of looking at the arguments by which this important question ought to be settled. For his own part, he could not bring himself to go along with those who, in opposing further relief to the Catholics, went into musty records and moth-eaten muniments, in search of Catholic enormities, that they might see what Catholics would do in a state of things which was not, and yet refused to open their eyes to passing events, in order that they might see what Catholics were actually doing in other countries, where they were in the enjoyment of those privileges, to which they were claiming to be admitted in this. To those noble lords who could not acquiesce in the noble declaration of queen Elizabeth, and who held that there ought to be windows to every man's breast, to enable them to look into their hearts, to those noble lords he would recommend to look a little more to things as they were, and to trust a little less to the speculations of their own wisdom, as to things as they might be. To those noble lords he would recommend a sentiment, which he had found inculcated in a very remarkable work, "The History of the Church," by Dr. Milner. That able, and acute controversial divine, giving an account of the different controversies which had agitated the Church of England, and pointing out the dangerous consequences which had arisen in the course of the quarrels between the Arminians and the Calvinists, from each party attributing to its antagonist doctrines which it did not hold, summed up with these words—"In all religious differences, neither party ought to rebuke the other for those doctrines which they come publickly forward to disclaim and disavow." Those words contained an admirable rule of moral conduct; and, if the learned divine had not himself attended to them, he would have been unable to fulfil the duty of an honest and an impartial historian. If this was a most essential rule in all matters of controversy between Protestants, it was not the less an essential rule, in all matters of controversy between Protestants and Catholics; namely, not to impute to individuals, as their doctrine, that which they explicitly disavowed. He would therefore leave all aspersions which had been cast upon Catholics for their conduct in past ages, entirely without an answer, and would invite their lordships to look at the conduct pursued by individuals of their religious persuasion throughout the world, as the best test whereby to judge of their doctrines and principles; and he would, therefore, to facilitate their lordships' view, shortly state the condition of the Roman Catholics in other parts of the world, where the predominant church, if there was any, professed another form of religion.

He would go first to the United States of America. He said to the United States, for he had advisedly selected them as the first people whom he would visit, not forgetting that their government was in this condition; it was a republican institution, and it was without any religious national establishment. It happened, however, that on both those accounts, it was more conclusive than any other government, for the argument which he was anxious to establish. He thought that, even the noble lords on the other side would admit that the Roman Catholics could have no interest in overturning one establishment, except they wished to set up another; and he believed that the republican character of the American government made it precisely that form of government in which, to judge from the reasons assigned for their apprehensions, by those who had condescended to assign reasons for their apprehensions of danger from the admissibility of the Roman Catholics to office, the danger of the admission of persons of their religious creed was most formidable. He rested his assertion in that respect, upon an argument urged by one of the opponents of Catholic emancipation, whom he deemed most worthy of attention. He alluded to the evidence given by the archbishop of Dublin before the committee of Inquiry into the state of Ireland. He considered it peculiarly fortunate for those who took the same view of this question as he did, when they could induce any of their antagonists to specify the precise nature of the danger which they apprehended; and therefore it had always been a subject of great congratulation to himself, and to the noble individuals with whom he had acted in the committee appointed to inquire into the state of Ireland, that the archbishop of Dublin had been induced, or rather led, by questions which he did not answer without some reluctance, to state in what shape he conceived that the admission of Roman Catholics into parliament would tend to disturb the tranquillity of the country. His grace had founded it upon the very nature of a representative government. He said, that Roman Catholics admitted into the state could not, by themselves, produce any effect; but, added he, "in all representative governments, there are parties and factions of greater and of less violence—there are some which always mean less well to the state than others, if there are not even some who positively mean it mischief: it will be by allying themselves to one or other of such parties, and by making the ascendancy of the Catholic church a condition of their alliance, that they will be able to effect those objects which the proselyting spirit of the Romish Church will not allow its adherents to rest until they have accomplished." On hearing this argument, he had been induced to inquire into the condition and conduct of the Roman Catholics of the United States; for there was the instance of a republic—a form of government which afforded a state of things much less settled than a monarchy, and in which the contests of factions were more frequent, if not more violent. "If in such a state of things," he said, "the Roman Catholics are admissible, without distinction, into all the offices of the State, there will be found an example of the mischief existing out of their admission." He therefore wished to ascertain how many Roman Catholics found their way into the Congress, and how they acted after they got there. He had had opportunities of making inquiries upon that particular point among the most eminent and enlightened men of America, and his question as to how many persons of the Roman Catholic persuasion held high offices, or were members of Congress, was invariably met with this answer—"I really do not know." He was repeatedly told that their religious creed never appeared either from their language, their opinions, or their votes. And let it not be supposed, that this took place in a country where men were indifferent to religion; for there was no country, in which religion was less a matter of form and more a matter of substance, than in the United States—no country, in which the clergy were maintained upon a more respectable footing than that country, in which eight thousand clergymen of eight thousand different congregations were maintained by the voluntary subscriptions of those who attended them. The information which he invariably received was, that Roman Catholics, as Roman Catholics, formed no distinct party. Some said that there might be four or five—some that there might be eight or ten—some that there might be twenty; and some went so far as to say that there might be thirty Roman Catholics, members of Congress; but all said that their feelings as Roman Catholics, could not be collected, either from their speeches or from their votes. He had asked whether, in the different elections for Presidents, the Roman Catholics had ever supported in a body either Mr. Jefferson, or Mr. Adams, or general Jackson, or any other candidate? and the reply he had always received was, "No." He had then inquired, whether there was any mark of Catholic feelings observed in the members for Maryland—a colony which was founded by Catholics, and in which, to the honour of Catholicism the most free and comprehensive law, as to the toleration of other sects, was adopted at a very early period of its history. He was informed, that there was no greater appearance of Catholic feeling visible in the conduct of members from that state, than there was in the conduct of members from any other state of the Union. Could there be a stronger proof of the manner in which Catholic feeling merged into the general feeling of society; wherever members of that religion were not kept banded together by laws of intolerance and exclusion?

He had cited America as an example of the mode in which an equality of civil rights made men of different religious creeds cleave together and incorporate themselves with the prosperity of their common country; but if any of their lordships took a different view of the facts which he had just laid before them—if there should be any of them inclined to say that the difference between a republic and a monarchy—between a country with a national church establishment and a country with none—was so great, that he should like to see the result of a similar system under some government which was not republican, he would invite that individual to pass with him to Russia, where the established religion was that of the Greek Church. He did not expect he should be told that it was the affinity which existed between the Greek Church and the Church of Rome that attached them to each other. On the contrary, the nearer they were to each other, the easier was an advantage to be taken, and the greater the temptation to take it. In Russia, however, all Roman Catholics were admissible, without distinction, to all the offices of the State. In Poland, the Roman Catholics, who there formed the majority, as in Russia they formed the minority, were equally admissible; and, notwithstanding, the Greek Church of Russia sustained no harm. In Russia, he repeated, the members of the Greek Church, the Armenian Catholics, and the members of the United Greek Church, were all equally admissible to all civil and military offices. The United Greek Church consisted of persons who held the same rites and ceremonies with the Greek Church, but with this singular belief, that it was for the good of their Church and their religion, that they should be governed by the pope. They were therefore papists in discipline, whilst in doctrine they belonged to the Greek Church. They were, therefore, peculiarly liable to any temptation which might be held out to them by the pope; and it was a knowledge of this circumstance that led some of his counsellors to propose to the emperor Alexander, to make a distinction between this and the other classes of his subjects. It was proposed to him to place some restrictions upon them to which the others were not to be liable. The emperor Alexander refused, however, to do any such thing. He said, that he would maintain the same religious equality among his subjects, which had hitherto been so conducive to the prosperity of the State, without being at all conducive to the injury of the Established Church; and the consequence of his resolution was, that, up to the present day, the members of the Greek Church, the Roman Catholics, the Armenian Catholics, and the members of the United Greek Church were all alike admissible to every office of emolument and trust in the wide circle of the Russian empire.

He was happy to say, for the honour of the human race, that, under every form of government, had the same good effects been produced by the same wise, liberal, and beneficent policy. In Prussia—a country much more exposed to danger than our own from any difference of opinion among its subjects on matters of religion,—the Roman Catholic was equally admissible to high military and civil office with the Protestant. Was there a man at all acquainted with the internal condition of Prussia, who apprehended the slightest danger to the government of that country from the liberality with which it treated its subjects, of every religious persuasion. In Saxony, where there was a Protestant population, and a Catholic sovereign, which he admitted to be a case of justifiable apprehension; and in Holland, where there was a Protestant sovereign, with a mixed population of Catholics and Protestants, every individual, no matter of what religion he was a professor, was equally safe from civil disabilities; and, if there were two countries in the world, in which it might be justifiable in the members of the predominant religion to feel disgust at the past conduct of the Catholics, it was in those two countries which had been the cradle of the Reformation — in which the earliest contests had been carried on for its establishment —in which the memory of injuries received and cruelties inflicted was not easily eradicated, but in which it had been buried in forgiveness, if not entirely eradicated. He could not close the list of religious toleration, without mentioning the kingdom of Hanover, in which all sects were equally admissible to the highest offices of the state, equally to the honour of the Sovereign and to the benefit of the nation.

He trusted it would not be supposed by their lordships, that in Catholic countries the same extent of civil liberty could not be found. It existed in Austria, in Bavaria, and in France; in those countries the same privileges were granted to Protestants which the Catholics were then demanding at the hands of their lordships—not less for their own individual relief, than for the general benefit of the whole community. Some of their lordships might, perhaps, still be frightened by that antiquated bugbear the pope. He would therefore tell them, that if they were desirous to look for the best barriers which could be devised against the interference of the pope with the subjects of a foreign State, they would find them in the regulations which had been devised for their own safety and protection, by the Catholic sovereigns of Bavaria and Austria. He particularly wished their lordships to reflect, that, from the moment they admitted to a participation of the privileges of the constitution the lay nobility and gentry of the Roman Catholic body, they would find in them the most active and diligent allies, in devising that which would be more advantageous to Catholic than to Protestant interests—he meant a barrier against the interference of the pope with the domestic concerns of the Catholics of this empire.

He hoped he should not be told, that there was any peculiarity in the establishment of the Church of England, as compared with that of all other Protestant churches, which rendered it unsafe for her to see all descriptions of persons, without regard to their religious opinions, admitted within the pale of the constitution, when they could be admitted with safety to all other interests. He was sure that none of their lordships would contend, that the superior purity of the doctrines of the Church of England constituted a ground of infirmity, which rendered her more liable to danger than any other Protestant establishment in the world; and, as such was the conviction on his mind, he would drop that part of the subject.—Another branch of this great question was that which was connected with the terms and conditions on which emancipation ought to be granted. He had stated what had been the policy, and the result of the policy, of other states, not Catholic, to their Roman Catholic subjects. But whilst he contended, on the one hand, that what he had stated afforded an example under which their lordships could provide safely for the admission of the Roman Catholics into the constitution, he was prepared to contend on the other, that even if it had not afforded that example, the state of Ireland demanded imperiously that we should pursue such a course. That state was without a precedent in the history of any civilized country: it consisted of a democracy gifted with vigour and venom, by your own unjust and exclusive laws; of an aristocracy robbed by those same laws of all its natural influence to control and govern the dangerous spirit of the democracy; and of a priesthood so circumstanced, that it was as unwilling as the aristocracy was unable, to employ its influence in opposition to the general feeling of the democracy. Such a state of things was monstrous; it ought never to have existed at all; and it ought to exist no longer. Sooner or later it must demand the interference of others to modify, to check, to control it. It was not in that House that he expected to be called on to vindicate the utility of an aristocracy; it was not in that House that he expected to be told, that a people, without that intervening power, which could be exercised almost imperceptibly over the lower orders of it, was in a safe state, when it was governed only by the bare and naked hand of power; as contradistinguished from that milder influence, which one class of the community exercised over another, by acting, as was the great boast of the British constitution, as the conductors of public opinion to the highest offices of the state. In such an absence of all legitimate rule and influence over the democracy of a country, what was the most natural result? Exactly that which had taken place.

Their lordships had seen the sudden manner in which a most extraordinary society had risen up in Ireland, and they had likewise seen the manner in which it had attracted to itself all those attributes which ought only to belong to legitimate power: he alluded to the Roman Catholic Association. Lamenting, as he did lament, the existence of that body, he was still bound to say, that the charter of its existence was exclusive law. That was the spell by which it bound to itself the affections of the population of Ireland; that was the warrant by which alone it governed their inclinations; that was the evil of which their lordships must get rid, if they wished for peace; and of which he defied them to get rid, except by measures of kindness and conciliation. If you put it down in one place, the perturbed spirit which occasioned it would rise elsewhere; if you stop the channel of discontent in one direction, it would burst forth in another, with equal, if not with greater, violence. In such a picture there was a feature of danger, which their lordships, if they were wise, would not treat with indifference or neglect. Before he closed his observations on this part of the subject, he would observe, that there were two questions which had been repeatedly put elsewhere, and which he expected would be put that night by such noble lords as thought that the present state of things could not exist much longer in Ireland. They might ask him, for instance,—"Are you certain that, by removing these disabilities, you will restore tranquillity? and if we consent to remove these disabilities, what security have you to offer?" To both these questions he would give an intelligible answer. With respect to the certainty of restoring tranquillity by removing the disabilities, he never had contended, and never would contend, that the concession of their claims to the Catholics would convert Ireland, all at once, into a flourishing country; but he thought that there was no course connected with the tranquillity of Ireland, on which their lordships could advance with complete success, without repealing the disqualifying laws which pressed on its Catholic inhabitants.—It was easy to say that one of the causes of the evils which desolated Ireland was the abstraction of capital from its shores; that another was absenteeship; that a third was the imperfect administration of justice; but it was still easier to perceive, that all these causes had originated from the civil disabilities which the law had created, and which had produced in their turn a civil disunion in the country, and an angry collision between contending sects; and if, for the misfortune of this country, four fifths of its population were to be suddenly deprived of the benefits of the constitution, we should find all the evils which flowed from an absence of capital, absenteeship, and dissatisfaction with the administration of justice, soon falling like a curse upon the people of England, and acting as a comment on the existing state of the people of Ireland. All those evils could not suddenly flow back to the source from which they proceeded, on the first dawn of a brighter state of things; slowly and quietly, and deliberately would they retire from the scene, and give way to happier prospects; and those hopes could only be accomplished, and those prospects realized, by restoring to the land its wealthiest proprietors, by attracting to it the presence of capital, by promoting peace and good will amongst all ranks, sects, and classes of individuals, and by creating in it that demand for labour, which could not exist in a country, where hostile religious feelings absorbed every interest and action of life, as at that moment they did absorb them in Ireland.

So much for the first question; he would next proceed to consider the other; namely, what additional security the Catholics could give, in case we should grant them the emancipation they required? On this point he would say frankly, that he was not prepared to propose any additional securities, until he knew more precisely the nature of the apprehensions which they entertained. It belonged more particularly to those who entertained alarm, and who knew better than he did the nature of the danger apprehended from the Roman Catholics of Ireland, to point out the description of security which they wanted; and he would say this in behalf of the Catholics, that he could not conceive for a moment, that any security could be pointed out, consistently with the principles and doctrines of the Romish church, which would not be willingly granted by the Roman Catholics. It was not for him to suggest to the Roman Catholic body, what security they ought to offer; especially as the Roman Catholics could not tell what danger their opponents apprehended, and could not help recollecting the unfortunate reception of the former securities which they offered. What he should advise the Roman Catholics to do was, to wait in respectful silence until they were told what security would satisfy their antagonists; and then, when they were informed upon that point, to meet it with that frankness and sincerity in which all proposals should be met, which did not impugn the integrity of their religious faith.

But when he said he was convinced, that the Roman Catholics would be ready to meet with frankness and candour any demand of securities which might be fairly asked of them, let it not be supposed that he thought any security which could be devised would be equal to that of attaching the hearts of the Roman Catholics to the constitution. Security in the way of oaths, their lordships had in abundance; but, if further security could be devised in that way, let the experiment be made and communicated to the Roman Catholics. If on the other hand, their lordships should be of opinion that the security should be made by creating a connexion between the government and their church, let the nature of it be stated to the Roman Catholics, by those who had the power of carrying it into effect. Let us then be called upon to examine and decide upon it. If those who devised it should frame it in such a manner as would not render it necessary to infringe on the integrity of the doctrines of the English church, let it be accepted. The best security, however, of all would be, to teach the Roman Catholics of Ireland, that between their temporal interests and the prosperity of the state there was no necessary disconnexion, —that nothing had occurred in the course of the last debate that could justify them in supposing, that the existence of the Church of England was the solitary obstacle to their emancipation; or in other words, to teach and inculcate upon six or seven millions of people, that in all their aspirations after wealth, honour and distinction (which could not fail to produce their effect in all countries, and which were sure to produce their greatest effect in a free country) there was an obstacle which they could not surmount, without passing over the ruins of that church which their lordships were bound, both by affection and principle, to cherish and protect.

Thus much on the subject of securities. Before he concluded this part of his subject he would implore their lordships, when they were led by zeal and affection to protect the Establishment Church, to define to themselves with the utmost precision, what the meaning of a church establishment was; for he believed that a very different meaning was now attached to it, from that which was formerly attached to it by some of the most able members of the church. The other day he found, in the writings of a celebrated author, a most remarkable opinion, which he would quote to their lordships, as a proof how the opinions of men varied at different times in the same country. Dean Swift, in one of his pamphlets, gave this opinion, with respect to the establishment of the church to which he belonged:—"If once we repeal the sacramental test, or grant toleration to the dissenters, or suspend the execution of the penal laws, I do not see how we can say afterwards, that any establishment of the Church of England remains." Such was the opinion of Dr. Swift a century ago: but he did not expect it was an opinion in which any divine of the present day, belonging to the Church of England, would acquiesce for a moment. He believed they would all agree with him, that the establishment of that church was the best, which, being the simplest and purest in its own doctrines, left the widest field open for those who had the misfortune to differ from it.—And such was the definition which he would give of the establishment of the Church of England. She enjoyed a proud pre-eminence over all her rivals, for the excellence of her tenets; and he would therefore call upon her to justify the proud character which she had acquired, by throwing open to her competitors the door to temporal honours and emoluments.

There are, (continued the noble marquis) three modes of dealing with Ireland. The first is that which, with great frankness and manliness has been suggested by the Orangemen of that country, in their examination before a committee of your lordships' House. They said openly, "We cannot stay where we are, but we think the legislature ought to go back." Now, this is open and candid, and, if it be the opinion of the legislature, as well as of the party of whom I have made mention, let it be also openly avowed. But let the difficulties that must attend the adoption of this course be also taken into account. I say, let the danger of adopting a course towards six or seven millions, which completely failed, when applied to a million and a half, be well considered. Others say, "let us stay as we are;" but the misfortune is, we cannot comply with the advice. The laws continue, and may for a while continue to exist, but other institutions and establishments have been called into existence, and raised up a power destructive of the best interests of the country. Then, my lords, what step remains for us to take, but to adopt a course of temperate, careful, and moderate conciliation? In that system, and that system alone, do I see hopes of placing on a solid foundation the civil and religious peace and prosperity of the country. By such judicious and temperate measures only, can we eradicate the dangers with which we are threatened by the new principles and institutions that have sprung up. If you wish to extinguish evil passions in that unhappy country, if you wish it no longer to be assailed by every artifice of the designing; to be disturbed by every motion of the turbulent; if you desire to put an end to national discontent, you will concede what is now required. The Catholic population of Ireland has power now in its hands, and that power will increase. A population of seven millions will possess power in the state in spite of us. An informed population, (and the Catholics grow daily more informed) will have power—a wealthy population, (and the Catholics, relatively speaking, grow more wealthy), will have power—a reading population will have power—a writing population will have power. But the power which they will have, and which they must have, whether we will or not, may be an unsettled, undefined, unregulated power—a power for evil as well as good—a power in its operation like those torrents which are hurled from Alpine heights, disdainful of limits and control, uncertain in their effects, irregular in their course, carrying with them not a principle of fertility, but a cause of devastation, until at length, having escaped from their rocky and precipitous descent, they settle down in a more peaceful channel, into a steady, uniform, and fertilizing current. My lords, the power possessed by Catholic Ireland, resembles but too much the former part of the description; and it is for the purpose of assimilating it to the latter, that I call upon you in the name of the Commons of Great Britain, to agree to the resolution, which it has become my duty to conclude by proposing for your lordships' adoption; namely, "That it is expedient to consider the state of the laws affecting his majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the united kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his majesty's subjects."

The Archbishop of *Canterbury*, in a tone of voice scarcely audible at the bar, said, that from the high situation he held in the Church, he felt himself called upon to offer a few observations on the important question before the House. The noble marquis had brought forward a resolution for their lordships' concurrence, which had been passed by the other House, the object of which was, that they should give a pledge to attempt to discover such means as might be calculated to bring about conciliation with the Roman Catholics, in order to effect a final adjustment, calculated to increase the peace and strength of the united kingdom, to promote the stability of the Protestant Church, and the concord and satisfaction of all classes of the community. This was the effect of the resolution proposed by the noble marquis; and if it were as easy to execute as it was to propose those objects, no man in that House could be more anxious than he was to enter into the spirit of the pledge. But there was, as far as he could see, little or no prospect of accomplishing those desirable purposes; and the pledge, or the attempt, would only lead to fresh impatience and fresh disappointment, on the part of those who were the objects of it. The question had been suspended between the two Houses of Parliament for many years, and the balance had been so nicely poised, that it was difficult to say to which side it inclined. This state of uncertainty was not calculated to produce tranquillity. He admitted that the question was one of vast importance to the best interests of the empire. By the unhappy state of Ireland, the wisdom and firmness of parliament were brought to a severe test. Parliament would not withhold from the Roman Catholics that to which they appeared properly entitled, at the same time that it would not concede to them, under the influence of fear, what was believed inconsistent with the constitution. Every government possessed the right of self-defence—the right to exclude from office, legislative and executive, those who were dangerous to it. If that right were exercised rashly or unnecessarily, it was improper; but, if for the purpose of security to the state, it was justifiable. In his view of the subject, it was upon this point that the question depended. At the period of the reformation that took place in the reign of queen Elizabeth, no restrictions were placed on the Roman Catholics, until the necessity of the case called for them. In the time of Charles 2nd a declaration was provided, which affected the Roman Catholics, and in that state things remained until the reign of William 3rd. Into the subject of the Penal-laws against the Roman Catholics, then enacted, and subsequently, in the reign of Anne, he should not enter; suffice it to say, they were removed from our Statute-books in the time of George 3rd, and their repeal gave him the greatest satisfaction. The Roman Catholics were now free from those disgraceful shackles, and at full liberty to entertain their own views of religious doctrine, and perform their religious exercises without molestation. But further than this he was not prepared to go; because he thought that it was not possible to go further, with safety to our established constitution in Church and State.

The Archbishop of *Tuam* said, he was not satisfied to give a silent vote on this important question. Were the subject to be determined solely on the ground of political expediency, he should not have intruded himself upon their lordships' time. Impressed as he was with the essential difference between what was seemingly expedient and positively right, and at the same time aware that what might appear to our finite comprehensions politic, and for the country's good, might still be at variance with true wisdom and the revealed will of God, he wished to be indulged with a share of their lordships' attention, until he briefly stated the grounds of his opposition to the present measure. Expediency might be far removed from what was right, but what was right must ultimately prove expedient. Before their lordships ventured to place political power in the hands of a large body of the community, whose opinions on the great subject of religion were so opposed to their lordships, they ought coolly to ascertain, whether such a measure deserved to be designated as right and proper. It was not his intention to detail all the various dangerous decrees and dogmas of the Roman Catholic Church, which, however they had been denied and called obsolete, were still extant, and in force in the bulls of popes and the declarations of councils, and which he maintained were still ready to be exercised, when their exercise might appear expedient for popish aggrandisement.—The petitioners who now came before their lordships, did not ask humbly for a boon at the hands of the legislature, but claimed as a right the removal of all restrictions and disabilities imposed upon them by the laws enacted for the protection of a Protestant State. We never, however, heard one word of concession from them; but they demanded an unqualified surrender of all the safeguards and securities left us by the constitution as it now existed, the necessity of which safeguards time had by no means lessened or removed. The Roman Catholics never proposed, in the hope of conciliating the Protestants, the removal of any of those wicked and unchristian decrees, which, notwithstanding the perfidious denial of them, were still in existence. Did it appear safe, wise or expedient, even to entertain the question of concession while these abominable documents remained in full force? In what he further said, he should confine himself to the acknowledged doctrines and practices of the Church of Rome, and endeavour to prove how much at variance those doctrines were with the religion of the Bible and the Church of England; and, having done so, he should ask their lordships, whether they were ready to promote a system that went to pull down that of the Church of England? He would begin with that doctrine of the Church of Rome, so opposed to God's Holy Word and so degrading to his disciples, which denied the latter the privilege of reading and interpreting for themselves the Scriptures. This doctrine even sealed up the eyes of the people, and prohibited a free examination of Holy Writ, which had been written for our improvement and edification. In the 14th article of a decree of Pope Pius 4th—an authentic document acknowledged by the heads of the Roman Catholic Church — the following words occurred:—"I admit the Holy Scriptures in the sense attributed to it by Holy Mother Church, whose privilege and business it is, to judge of the true sense and interpretation of Scripture, and I will interpret it according to the unanimous consent of Holy Mother Church." Now, according to this dogma, the Holy Scriptures were to be received in the sense put on them by Holy Mother Church. This was in direct opposition to the language of the Holy Apostles, and even the words of our blessed Lord and Saviour himself. What said John in his first General Epistle—"Beloved, believe not every spirit, but try the spirits, whether they are of God; because many false prophets are gone out into the world." If those to whom the inspired writer addressed himself were not to exercise the right of private judgment, why were they commanded to try by any particular test the doctrines to be laid before them. How could any man reconcile the yielding of implicit obedience with such an injunction as this? Even less could it be reconciled with the language of St. Paul. What construction, consistently with the tenets of Roman Catholics, could be put upon the words of that Holy Apostle, when he says, "Prove all things, and hold fast that which is good." He put it to their lordships to say how far it was possible to justify the tenets of the Roman Catholic faith in the face of such express declarations as these. St. Peter, who was a favourite Apostle of that Church, says—"Be ready always to give an answer to every man that asketh you a reason of the hope that is in you, with meekness and fear." But, in what they termed their Holy Mother Church, either the meaning of those words was not understood, or, being understood, was not respected. The authority of our blessed Lord and Saviour was itself most distinct upon this point—nothing could be clearer than the command given to "search the Scriptures." Again, St. Paul, in speaking of Bereans—"These were more noble than those in Thessalonica, in that they received the Word with all readiness of mind, and searched the Scriptures daily, whether those things were so." Those were not the tenets of the Church of Rome. Cardinal Bellarmine plainly disavows them, when he says, that the Bible is not for the people. Now it was in vain to deny, that the Roman Catholic Church, in every age and country, held the same opinions. It was, however, quite enough for his purpose, if that church in Ireland held them; and he could refer to a thousand instances, from which he could establish that position. The opinion of Dr. Doyle would set that question at rest. Dr. Doyle, before a committee of that House, stated, that "the greatest stumbling-block to the establishment of schools for the education of the poor of Ireland would be found in any proposition for rendering the use of the Bible indispensable." He further stated, that he and the rest of the Irish Catholic clergy would feel themselves bound to resist to the utmost any proposition of that nature, and would remonstrate with the parents of such children as might attend such schools; and, if they persevered in permitting their children to continue their attendance, they would refuse them the Sacramental rites. Not only did they object to the use of the authorised version of Scriptures, but to their own translations of the Douay Bible. Now, the reading of the Scriptures had been always made a principal feature of the London Hibernian School Society: and in proportion to the extent and value of the labours of that Association, that resistance was offered to its proceedings. Innumerable instances could be adduced, where efforts were made by the Catholic clergy in Ireland to prevent the perusal of the sacred volume. The celebrated J. K. L. gloried in the zeal of a peasant, with whose conduct, in reference to the Bible, he became acquainted. The zeal which J. K. L. applauded, was manifested in the abhorrence which his *protégé* displayed for the Bible; he feared to touch it lest the mere contact should defile his hands; he took it in a pair of tongs and consigned it to a grave in his garden. Amongst the Roman Catholics of the diocese of Clonfert, several copies were destroyed of the Gospel of our Lord Jesus Christ; and there was one instance in which the person possessing a copy, took it and sunk it in an adjoining river. In the north of Ireland hundreds of instances had occurred in which the New Testament was treated as a volume totally unfit to meet the public eye. He might be told, that the objection of the Catholics lay against the version of the Established Church. But surely they could not forget that it was still the Bible — that they themselves had admitted the existence of an authorised version, that of the Douay. The fact was, that their objection was not to the version, but to the book itself. It was a matter of perfect notoriety that such Roman Catholic patents as ventured to send their children to schools in which the Bible was read were denounced by the priests, refused the rites of their religion, and pointed out as unworthy to continue in the Communion of the Romish Church. Dr. Doyle, on every occasion, had advocated the refusal of that rite, deemed so essentially necessary to salvation by the Roman Catholics. This, he could himself prove. It was not versions to which they in reality objected; it was against the perusal of the Sacred Volume itself, that all the hostility of the Roman Catholic hierarchy was directed.—Soon after he was translated to the diocese of Tuam, three gentlemen waited on him for the purpose of soliciting subscriptions for clothing the Roman Catholic children attending a school which was conducted under the direction of Dr. Kelly. The reply to this application, which he felt bound to make, was, that if the Douay version without note or comment would be used in the school, and the children would be allowed to take it home for perusal, he would not only contribute to a considerable amount, but would, for the future, become a large subscriber to the establishment. That was his reply to the application: but he was never afterwards solicited for his subscription. He had stated the conditions on which he was willing to contribute. He only stipulated, that the Word of God should be read in those schools, and that, it would appear, formed a sufficient reason for his assistance being rejected; for, without a single exception, did he always find, that in every school under the direction of the Roman Catholic clergy, the prohibition ran as powerfully against their own version, as against the authorized version of the Church of England. But what said the Holy Scriptures on this point? In the 6th chapter of Deuteronomy Moses says, "And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. And thou shalt bind them for a sign upon thine hand, and they shall be as frontlets between thine eyes. And thou shalt write them upon the posts of thy house, and on thy gates." Why that express command, unless it was intended that all men should read the word of God? In the 17th verse of the same chapter he commands kings, that they shall search the Scriptures, to read and understand the commands of God, so that they might hope to prosper. The Prophet Isaiah, in his 34th chapter says—"Come near ye nations, to hear, and hearken ye people; let the earth hear, and all that is therein; the world, and all things that come forth of it." In the book of Joshua, a solemn injunction is conveyed respecting the perusal of the Scriptures: it commands the servants of God to read them as they would hope to prosper. After these authorities, it would be in vain that any rational man, exercising the right of private judgment, to which every Christian is inalienably entitled, would attempt to say, that men are not bound to search the Scriptures and make them subjects of habitual perusal. Compare these scriptural authorities with the doctrines of the Church of Rome. In the 14th article of the creed of pope Pius 4th, there was the plainest acknowledgment—that "Holy Mother Church" was, in her interpretation of Scripture, to be decisive and without appeal. From that it was apparent, that not only was the Roman Catholic faith opposed to Scripture, but in direct hostility to the national church of this country. How did the Church of Rome comply with the command, not to add to the Holy Scriptures? Was not the sacrifice of the Mass another Gospel? Was not the doctrine of Purgatory another Gospel? Was not the invocation of Saints another Gospel? Was not the adoration of Images another still? In Deuteronomy would be found these words—"Ye shall not add unto the word which I command you, neither shall ye diminish aught from it, that you may keep the commandments of the Lord your God which I command you." Again, in Revelations, were those awful words:—"For I testify unto every man that heareth the words of the prophecy of this book, if any man shall add unto these things, God shall add unto him the plagues that are written in this book. And if any man shall take away from the words of the book of this prophecy, God shall take away his part out of the book of life, and out of the Holy city, and from the things which are written in this book." Their lordships could scarcely forget the additions made to the Scriptures in the doctrines and practice of the Church of Rome. Was there not an addition to it in the single life of the Ecclesiastics? Were not indulgencies an addition to it? Were not monastic vows an addition to it? Were not dispensations an addition to it? Were not works of supererogation additions to it? Was not taking away the second commandment a subtraction from it, "Thou shalt not make unto thee any graven image;" "Thou shalt not bow down to them nor serve them?" In the New Testament we have again and again the authority of our blessed Lord and Saviour, for the necessity of reading and investigating the Scriptures. The doctrine of purgatory, as inculcated by the Church of Rome, struck at the root of all sound and scriptural religion—of every thing like vital Christianity. By the Prophet Ezekiel we are told that—"When the wicked man turneth away from his wickedness that he hath committed, and doeth that which is lawful and right, he shall save his soul alive. Because he considereth, and turneth away from all his transgressions that he hath committed he shall surely live, he shall not die." How did that accord with the doctrine of purgatory? How did the language held by the Prophets Isaiah and Jeremiah accord with the doctrine of purgatory? Still less the words of Revelations—"Blessed are the dead that die in the Lord, yea saith the Spirit, for they rest from their labours and their works do follow them." Was that consistent with the doctrine of purgatory and the expiation of sins by means of human sacrifices on earth, and human sufferings in our intermediate state of existence? Least of all was the doctrine of purgatory consistent with the language of the divine Author of the Christian Dispensation, whose language is "Whoso believeth in him that sent me hath everlasting life and shall not come into temptation."—He could go on for hours demonstrating the discrepancy between the principles of Christianity and the doctrines of the Popish Church. He would, however, confine himself to a few observations on the practice of public prayer in an unknown language. Cardinal Bellarmine had said, that public prayers might be offered in a language not understood; and in conformity with that opinion was the practice of the Romish Church. When he called to his recollection the notable miracle by which the necessity for such a practice had been superseded—that miracle by which the Feast of Pentecost had been distinguished—when he called to mind that, to the holy apostles the gift of tongues was communicated, that they might go forth and preach the word of life to all nations under heaven; he was unable to comprehend how any rational man could attempt to reconcile the doctrines of Scripture with the tenets of the Church of Rome. One word more he would say respecting the invocation of saints and the veneration of relics. The twentieth and twenty-first articles of the Creed of pope Pius 4th, stated, in the plainest language, that the adoration of images, the worship of the Virgin, formed an essential part of Christian doctrine. Now, he fearlessly asserted, that the worship of any other than our Lord Jesus Christ, as the only mediator between God and man, was idolatrous; for the words of the Decalogue were—"Thou shalt not make to thyself any graven image; thou shalt not bow down to them, nor worship them." Again, in Deuteronomy,—"Cursed be the man that maketh any graven or molten image, an abomination unto the Lord, the work of the hands of the craftsman." With respect to the worship of saints, in the tenth chapter of the Acts they would find that "As Peter was coming in, Cornelius met him, and fell down at his feet, and worshipped him. But Peter took him up, saying, stand up; I myself also am a man." And again we find St. Paul, on worship being offered to him, saying, "Sirs, why do ye these things? We also are men, of like passions with you." He might be told, that what he had been describing was not the Roman Catholic religion, but the faith of a semi-civilized and unenlightened people. That he conceived to be no answer to his arguments, even supposing it founded in fact; and, for this obvious reason, that they were legislating, not as respected the Roman Catholic religion in the abstract, but as respected its operation on the minds of the people of Ireland. Though opposed to the motion of the noble marquis, and to those who called themselves the advocates of emancipation, he was a sincere friend to emancipation in its true sense. He would emancipate the Irish from the bondage of ignorance, by a liberal and Scriptural education; not such an education as certain commissioners had recently recommended to the adoption of the legislature—not such an education as would adapt the Scriptures to the passions and prejudices of men—not such an education as depended on a corruption of the text, or upon subtractions from it: he was no advocate for such an education as that, but he was an advocate for an education founded upon God's holy word—an education which took that word for its standard—an education which would tend to correct the superstitions of Ireland, and to improve her moral condition.

The Earl of *Winchilsea* said, it had often been matter of surprise to him, that men who stood forward on most occasions as the supporters of civil rights and liberties, should be found amongst the advocates of a spiritual despotism, which was decidedly hostile to the doctrines which at other times they strenuously maintained. He could only account for it by supposing that the persons to whom he alluded persuaded themselves, that the sentiments which were justly entertained respecting the Roman Catholic church of the seventeenth century, were not applicable to what they considered the modified and enlightened Catholic religion of the present time. In his opinion, however, it was in vain for the supporters of the Roman Catholics to allege, that their religion was altered, and was not what it had been, unless they were prepared to show at what period the beneficial change was effected. When had the intolerant and overbearing principles of the Roman Catholic church been publicly renounced? He challenged any person to bring forward proofs of that fact. Proofs to the contrary were abundant. He would only refer to one, and he requested their lordships' attention to it. It was a passage contained in a letter published a few years ago by one of the most exalted members of the Roman Catholic church; namely, Dr. Troy, the titular archbishop of Dublin. The passage declared, that the religious opinions of the Roman Catholics were unchanged and unchangeable, and applicable to all societies; and that the decisions of the councils were incontrovertible and binding on all Roman Catholics: and he particularly quoted the fourth Lateran Council, which declared, that all engagements made by Catholics, under the sanction of an oath, with heretic sovereigns might be nullified. If further proof of the unchangeable nature of that religion were wanted, they would be found in the report of the commissioners of education sent over to Ireland. The increase of Jesuitism was another feature in their character; and the college of Maynooth was nothing less than a seminary for the diffusion of the principles of that aspiring and intolerant sect. With reference to what had been said, as to the privileges enjoyed by Catholics in the different countries of Europe, he would assert, that the example of emancipation had been set by no country circumstanced as England was, nor by any country which had, for so long a period, been distinguished for the wisdom and durability of her political arrangements. In several states of Germany, the concessions to the Catholics could be traced no further than 1815. In the Netherlands, the Catholics had enjoyed their privileges only since the year 1827. He would not allude to the United States of America, because there was no parity between them and England, as they had no national church supported by tithes, and upheld by immunities and privileges, as in this country. Let the House not deceive itself by supposing, that the concessions now asked would satisfy the encroaching spirit of the Roman Catholic church. The close connection between Rome and the Catholic Association of Ireland had been fully traced. Mr. O'Connell, on the 15th of last month, had declared, at the meeting at Dublin, that the Catholics had already trampled down all barriers, except the Established Church of England, and that it would not be long before they would be able to trample that down also. He trusted that the House would never consent to a measure, the effect of which would be to undermine that constitution under which England had enjoyed, and had been able to impart to Ireland, so many substantial blessings. Let not concessions be made to the Roman Catholics before they gave sufficient security to the established Protestant Church. The moment proof could be furnished, that the Catholic religion was not what it had been, he would be the first to grant the claims which he had hitherto conscientiously opposed. But, until that proof was furnished, he would never consent to remove the barriers which he believed necessary to the existence of the constitution under which we enjoyed so many blessings.

The Marquis of *Salisbury* said, that, if the question before the House had been to agree to a bill for the relief of the Catholics, he would not have troubled their lordships. In such a case it would have been sufficient for him to express his assent to, or dissent from, the proposition by a silent vote. But, as the question was, whether or not their lordships would take into consideration the claims of the Catholics, with a view of finally adjusting them, unless he was prepared to say that, under no circumstances would he grant them emancipation, he could not consent silently to give a vote against the proposition. If he wanted any further excuse for rising, he should find it in the challenge which the noble marquis opposite had thrown out for those to declare their opinions, who thought that securities might be found. Now he thought that securities might be found, which would enable him to vote in favour of the Catholics; and he thought he was taking the fairest course, by stating what the securities were which he would demand. The securities which he would require contained nothing that ought either to alarm the Catholics, or afford ground of dissatisfaction to the Protestants. At the same time, he could not, considering the violent language which was held in other places, on both sides, and in the petitions to that House, entertain a sanguine hope, that any such amicable arrangement as that he proposed would take place. If, however, those Protestants, who thought securities could be found, would come forward and declare what the nature of those securities was, the question would stand a fairer chance of being set at rest than it did at present. Oaths and declarations more than sufficient had been proffered by the Catholics. He attached but little importance to them; but he thought it would be an ample security, if the nomination of Catholic bishops were placed in the hands of the sovereign. He was inclined to think that such a measure would not be contrary to the Catholic religion. Why might not such arrangements be made here as were brought about in Belgium, Prussia, Hanover, and other Protestant states, where concordats with the pope had been agreed upon? As the law stood at present, intercourse with the see of Rome was interdicted; but that law might be suspended by the authority of parliament. He did not think there could be any difficulty in commencing a negotiation for the purpose, nor in repealing a law which was once looked on as a safeguard of the country: but he was told that, even after that, the Catholics would not accept of the boon; therefore he for one would never consent to place the parliament in such a dilemma. He would neither compromise the dignity of the legislature, nor would he begin to give effect to the measure he proposed by a species of persecution. The tranquillity of the country should induce parliament to settle the question, without any allusion to the subserviency in which the people were held by that tie which bound them to a foreign potentate. There was no knowing what changes might take place in the foreign potentates to whom he alluded. In other times they might not be so respectable as the present holder of that power was. But it must also be considered, that the power he alluded to must always be great, while the people looked to it not only as a depository of temporal rank, but of spiritual happiness. If the noble marquis would submit such a proposition, he would be most happy to support him; but as the question at present stood, he should certainly oppose the motion.

Earl *Bathurst* said, that the motion which had been submitted to their lordships called upon them to concur in a resolution which had been agreed to by the Commons. Before their lordships concurred in that resolution, which it must be admitted was sufficiently general, it was necessary to come to some understanding as to its meaning and object. The resolution called upon them to consider the laws affecting the Roman Catholics. What, he would ask, had that and the other House of parliament been doing for six and twenty years, but taking those laws into consideration? That and the other House of parliament, too, had taken those laws into consideration, for the purpose of effecting an object which had always been avowed. The resolution which the Commons had sent up to them he considered to be a pledge to effect that object, so far as their own legislative power enabled them. When, therefore, the Commons asked them to concur in that resolution, he understood that they called on them to make the same pledge as they had themselves entered into. He hoped, therefore, that the eloquence of the noble marquis would not induce the House to concur in the motion, by which it would pledge itself to what it might never be able to perform.—Of course, nothing could be done without securities; and the noble marquis had given no intimation, that he was in possession of any plan with that object, or that he was prepared to follow up the resolution by any ulterior measure. Looking at what had been the course adopted by the other House of parliament, and at the measures which, on this subject, had emanated from it, he must despair, at present, that their lordships would be able, if they uncautiously gave the pledge, satisfactorily to redeem it.—Without going back to the different schemes from time to time in agitation, he would only refer to the last—the bill of 1825. He was anxious that their lordships should recollect its provisions, and then ask themselves—Whether, if previous to its introduction, the House of Commons had passed the resolution he had before read, and the noble marquis had persuaded their lordships to concur in it, and thereby to give a pledge, they would not consider that that pledge was redeemed by the measure of 1825, when brought up from the other House, and submitted to their deliberation? A noble friend had adverted to the jealous eyes with which the proceedings of the court of Rome and of the Catholics at home must be watched, if concession were made, even with securities. He had also spoken of the strict inspection that was necessary of the Pope's Bulls, and other instruments, as well as of his nominations of the Roman Catholic bishops. According to the bill of 1825 a commission was to be established, and that commission was to be appointed by the Crown, and when any bulls, dispensations, or other instruments of any kind were transmitted from the See of Rome, it was to be submitted to that commission; which was to ascertain whether there was any thing in it subversive of the Protestant establishment. If it were found unobjectionable, then the receipt of such a document was to be notified to the lord lieutenant of Ireland; but the commissioners were not required to inform him of the contents of the instrument, but simply to notify to him that such an instrument had been transmitted, with their opinion that it was not dangerous to the peace of the empire. Then the instrument was to be sent back, and afterwards it was to be published and carried into execution. If that bill had passed, those instruments must have been carried into immediate execution, even although the Crown should have been of opinion that they were of a highly dangerous tendency. Then who were to be the commissioners? It would be expected that the Crown would have the nomination of them, or at least take care that the majority were Protestants. But what was the fact? The Crown was actually prohibited from appointing a single Protestant as a member of the commission. The mere fact of his being a Protestant was a disqualification for holding this office; so that in a bill professedly to remove Catholic disqualifications from holding civil offices, a new civil office was created, to fill which a Protestant was disqualified. Who, then, were these inspecting commissioners? The Crown was prohibited from naming any Protestant, and it was also prohibited from naming any Catholic, even though a peer. No layman of the Catholic persuasion could sit upon this commission. Bishops only were to be the members of it; so that Roman Catholic bishops were to be the guardians of the Protestant church. He would appeal, then, to their lordships, whether the enactment of such a law would have tended, in the terms of the Resolution, to give "stability to the Protestant Establishment?" Then we came to the question, as to the appointment of Roman Catholic bishops. If the commissioners were to be Roman Catholic bishops, it seemed reasonable that the Crown should have at least some control in the nomination of those bishops. What was the fact, under the law of 1825? After a priest had been elected, and afterwards appointed, by the see of Rome, to be a Roman Catholic bishop, the name of the party was to be transmitted to the commissioners, and they were to certify to the king, that he was a loyal subject; and then he was authorised by the bill to exercise all the functions of a

Roman Catholic bishop, however the Crown might disapprove of his appointment.—He was well aware he should be told that all these objections proceeded from antiquated and exploded notions, and that there was, in truth, no danger to be apprehended. The noble marquis had advised the House to look to other countries, and to observe how well the machinery worked, and how easily the object might be accomplished. There, he said, Protestants and Roman Catholics lived together in the utmost confidence and harmony. Undoubtedly, in Holland, Roman Catholics were admitted to all civil offices—no man was disqualified, and all might sit in the legislative assembly; and the peace and harmony were attributed merely to the circumstance of this community of privileges. Looking at Holland, what was the fact? The kingdom of the Netherlands was divided into two parts—the one Protestant, the other Roman Catholic. In that part where the Protestants were most numerous, the Protestant religion was dominant; but where the Roman Catholics were most numerous, the Roman Catholic religion was dominant. Were not this the case, did the noble marquis suppose that the boasted harmony would prevail? Would the Roman Catholics have been satisfied even with seats in the legislative assembly, if their religion had not been dominant in that part of the Netherlands where they outnumbered their opponents? The same remark would apply to Prussia; for in Silesia, where the Roman Catholics were most numerous, their religion was the established religion of the country. Passing over the Atlantic, the noble marquis had directed the attention of the House to the United States of America, as if he wished this country to imitate her example. True it was, that there was no establishment in the United States; but was the House prepared to say that there should be no establishment in Ireland? Why did there exist such an enmity to the Church of England, and such a wish, on the part of the Roman Catholics, that it should not continue the established religion in Ireland? There was something in the Roman Catholic religion which prevented its combination with any other faith; and it was well known, that if the Church of England were not to continue the Established Church of Ireland, the Protestant interest of the empire would be shaken to its centre. It was interwoven with the constitution of the country, and the Protestant Church and the State must stand or fall together. He was most anxious that the question should be brought to some final determination; for, at present, as soon as the claim was defeated it was renewed. There were unquestionably many who saw no difficulties in the way of concession, and who imagined that all who adverted to them were under a delusion. For his part he should rejoice if the time should come when it might be safe and wise to accomplish the object of the noble marquis; but, as he at present saw no chance that the pledge of the House of Commons would be redeemed, he was unwilling that their lordships should also enter into an engagement which they would be unable to fulfil.

The Earl of *Darnley* said, he was anxious to call their lordships' attention to the real state of the question before them. They were not called upon to make any pledge with respect to any particular measure; but they were invited to take into consideration certain obnoxious laws, which affected a large portion of his majesty's subjects, to see if they could reconcile themselves to some means of extending relief to that body. The speech of the right rev. prelate, and that of the noble earl who succeeded him, went entirely upon objections to the creed of the Catholics, whilst the opposition of the noble earl who had spoken last was directed against the bill of 1825. Now, let their lordships' minds be recalled to the real state of the case. The Commons of Great Britain having several times sent up bills for the relief of the Roman Catholics, to their lordships' House, all of which had been deemed unworthy of their lordships' concurrence, the same House now, with, as he thought, great good sense, agreed to a resolution, which they transmitted to their lordships' House, entreating them in the name of the people of England, and of Ireland, to take the case of the Catholics into their consideration. That was the state of the question. To those who were of opinion that never, under any circumstances, ought concession to be made, he would apply no argument. Upon the present question he would say, as he had already said upon that of the repeal of the Test and Corporation acts, that the best security which they could have was to be found in the unconditional concession of equal rights and privileges. But, though that was his opinion, still he was ready to go half-way to meet those who thought that securities were necessary. But he was clearly of opinion, that the burthen of pointing out what those securities were to be, lay with those who called for securities. He hoped, nevertheless, that better times would ere long arrive, and he augured well, more especially from the liberal spirit recently displayed by the right reverend bench, and particularly by the right rev. prelate, who on a recent occasion had declared, that, in his judgment, there was no reason why any set of Christians should be deprived of the civil benefits of the constitution, if they could give sufficient security to the establishment. He was sure their lordships would find the difficulties which now beset them, as to Ireland, press on them more and more; and a time might come when the claims of the Catholics would be enforced, when their lordships had no power to deliberate, and no means of giving that boon which was now asked at their hands.—There was one subject to which the Catholics frequently referred with strong feelings: he meant the violation of the Treaty of Limerick. He, for one, thought that treaty had been violated; but the question did not rest on what had happened a century ago, or on what was then the state of the country; it was to be decided by the rule of sound policy, and by the circumstances of the present moment. If the claims of the Catholics were not bottomed in justice, sound policy, and the dictates of the Christian religion, he should not argue for the expediency only. Setting aside the Treaty of Limerick, there had been another point which he could not pass over. It had been said that, at the time of the Union there had been—he would not say a guarantee, but an understanding with Mr. Pitt and lord Cornwallis, that the emancipation of the Irish Catholics was to form a part of the measure. It was proved very distinctly by Mr. Pitt's votes and actions; and above all, by his giving up more power than ever a minister of this country possessed, because he could not carry that measure. Notwithstanding this, it would hardly be believed that, at this time of day, there were persons who annually celebrated the birth-day of that distinguished individual, in order to promulgate principles, the very reverse of those which he maintained. It was unnecessary to refer to this subject more particularly, as it was a matter of notoriety. He should view it with indifference, but from one circumstance, namely, that the ministers of the Crown had condescended to appear among these dinners. Call it the "No Popery Club," call it the "Eldon Club," but to call it the Pitt Club was a libel on the memory of that distinguished individual. In justice to the memory of Mr. Pitt, and in defence of the cause which he had honestly advocated, he must protest against his name being used as an authority. There was another part of the subject, which had been frequently adverted to. It appeared to him extraordinary, that any person could suppose that the Coronation Oath could preclude the king from removing civil disabilities, or granting civil privileges, to any class of his subjects. There were several authorities on this subject; he would begin with Mr. Burke. Mr. Burke said, that in the Coronation engagements of the king he did not find one word which precluded his majesty from consenting to any arrangement parliament might think fit, with regard to civil privileges. There was also the authority of lord Liverpool. The last time this subject was discussed, lord Liverpool had stated, that he could not consider the Coronation Oath as any obstacle to the removal of civil and religious disabilities. There was another authority, which, perhaps, might have still more weight with noble lords. This was a publication of Dr. Philpot's, which, he thought, if the Roman Catholics were to publish in a cheap form, would much advance their cause. This gentleman appeared to be the very advanced guard of the Church militant; but his arguments from beginning to end made against himself. [His lordship then read the opinion given by the late lord Kenyon, and the letter of Mr. Pitt, as published in Dr. Philpot's pamphlet.] In these opinions he saw not one word to prove that the Coronation Oath prevented the king from acceding to the claims of his Catholic subjects. His noble friend near him had eloquently advocated the cause of the Catholics of Ireland, but the claims of the English Catholics were even stronger than those of Ireland; and yet they were more severely treated. They were denied the elective franchise, and several other privileges which the Irish Catholics enjoyed.—He had often felt ashamed when he had seen the duke of Norfolk, whose seat was in the very highest place among their lordships, take his station below the bar; and this exclusion was without any reason whatever. In the reign of Elizabeth, at a time when popery was really formidable, and the very existence of England was threatened,—the name of Howard was amongst the foremost on the list of her defenders. During those times of danger the Roman Catholic peers were the defenders of their country. It was at a subsequent period, that they were excluded from their seats in parliament, and on very insufficient grounds. The evils of the present situation of things arose chiefly from the restraints exciting in the bosoms of the Catholics a feeling of hostility, which arrayed them under leaders more hostile than themselves. It was not possible that men, treated as they had always been, should not feel hostility. He called on their lordships not to shut their eyes against the danger. He wished them to look the danger in the face, and to consider what might be the consequences of having a large body of discontented subjects at home, under some peculiarities of our foreign policy. The Catholics were already organised under leaders, and their combination could not be put down. He had been surprised to hear the language of the right rev. prelate in speaking of the Catholic religion; and it was impossible that the Catholics should not feel insulted when such language was used towards them. The Catholic was not a Protestant, but he was not an infidel. He had heard with astonishment, of the efforts now making in Ireland, to force the Holy Scriptures on the Catholics. That attempt was made with a Bible in one hand, and a sword in the other. He was sure that all these attempts to increase the number of Protestants, would only increase the mischief. Such attempts provoked those feelings of hostility which had been the great curse of that country. There was, in consequence, much litigation, and no security. By withholding their rights from the Catholics, the Catholics and Protestants were made enemies of each other. No man could live in Ireland with safety, and all those who could improve Ireland necessarily remained abroad. All those improvements which had been talked of for Ireland, could never be effected, so long as discord was kept up between the two classes. The greatest improvement which could be made for Ireland, because it would be followed by every other improvement, would be removing Catholic disabilities and making Catholics and Protestants equal before the law. He concluded by hoping, that the present illustrious individual at the head of the government, would not put his *veto* on the project of concession to the Catholics of Ireland. It was a splendid opportunity afforded him to improve at once his own popularity and consolidate the interests of the empire.

Lord *Manners*, who spoke from the cross bench, in a situation which rendered it extremely difficult to hear him, commenced by complaining of the temper of the Irish Catholic Association, and of the tendency of their speeches to inflame and exasperate the public mind. He deprecated the spirit which had prevailed in all the proceedings of that ill-regulated and angry political association. It was impossible, he said, to grant the Catholics the concessions they sought, and afford any protection to the established reformed Church of Ireland, in the present temper of the Irish nation. The Catholic Association, which might be considered as displaying the spirit and disposition of their brethren, had hitherto done their utmost—in many instances but too successfully—to separate the tenant from his landlord, to produce discord and anarchy throughout the country, and to estrange the loyalty and allegiance of all their fellow-subjects, over whom they could exercise any influence. It had been said, that concessions to the Catholics were demanded by policy and justice; but he could not perceive the applicability of either. With every disposition to grant emancipation, if such a measure could be conceded consistently with safety to the establishment, he could not consent, under existing circumstances, to acknowledge claims which were essentially pernicious to the Protestant religion and the civil interests of the state.

The Earl of *Guilford* said—It would be a waste of your lordships' time, were I to tread the ground so often and so ably occupied, in proof that the tenets of the Roman Catholic church, essentially intolerant, are adverse to the existence of Protestant establishments, which they have incessantly condemned, as the receptacles of heresy and impiety. Not only have we the decretals of popes and councils in evidence of this fact, but we have also the exemplification of it, throughout Europe, in the most afflicting histories of civil war and persecution, and in the most important revolutions of states. I do not wish to dwell offensively and uncharitably upon this gloomy picture of human misery and destruction, scarcely illumined by a ray of religious liberty emanating from the Roman faith; but I would recur to it merely to claim from your lordships' candour an admission of the existence of that spirit of hostility which sleeps only in weakness, and would awake upon the restoration of its powers. The question, then, is, whether those who have no conscientious attachment to our interests should be admitted to parliament as guardians of those interests. I have, upon a former occasion, delivered my opinion to your lordships, that delegated power is neither founded in absolute nor relative right. But I also maintain, that in expediency, reason, and moral justice, it should be committed only to those who have qualifications to use it for the public advantage. This was the principle, this was the cause, of the Revolution, that called the prince of Orange to the throne; that governed the act of Settlement; was acknowledged in the bill of Rights; and dictated the resolution of the Convention Parliament, "that it hath been found by experience to be inconsistent with the safety and welfare of a Protestant kingdom to be governed by a Popish prince." And surely the same principle will apply to each branch of the legislature! To say that no guards should be interposed between religious creeds and political institutions, is not only to abandon the doctrines of our Revolution, but also the soundest maxims of government, and especially of our own constitution, which refuses trust to all who have no pledge to give of their attachment to the state. For this reason, the elective franchise has never been universal, or unrestricted as to the choice of a representative. The laws do not restrain opinions, but cautiously refuse trust. They limit, for the public good, the privileges of age, sex, station, property, and also of religious sects when they are found to be inconsistent with the safety of the state. In short, they acknowledge no maxim of civil policy that leaves the general welfare out of its consideration.—Now, my lords, I cannot see that the danger of this concession is altered by change of circumstances or by lapse of time. I cannot see that our apprehension of it should be diminished by the absence of disputed pretensions to the Crown, which never were an originating cause of it. I cannot see that it should be diminished, by the estimation in which the honour and integrity of individuals, displayed in the service of their country, is justly held. That honour cannot be accepted as our security, which is pledged in opposition to our interests. Similar services had also preceded the Revolution, and might have been pleaded at that period. But the aid particularly alluded to, as given by Romanists in defeat of a foreign enemy, in the reign of queen Elizabeth, was found practically to consist with continual conspiracy and revolt, both in England and Ireland, for the overthrow of the government of that illustrious queen during the whole of her reign. The cause of distrust is deep-seated, and grounded in the Reformation—it is, simply, difference in religion. And how, my lords, can the liberty to sit in parliament produce tranquillity and concord, which was withdrawn by the very act peculiarly under your lordships' consideration, because it produced precisely the contrary effect, and was held to be a dangerous instrument of disaffection, to threaten the disunion of the two countries? When it was possessed, did it create peace? or wherefore was it removed? Did it propagate industry, domestic comfort, and contentment, over Ireland? Did it obviate the fatal cause of civil discord—religious dissension? No; it fomented the evil it is now thought competent to cure. In the act of 3rd William and Mary, it is recited that great disquiet, and many dangerous attempts have been made to deprive their majesties, and their royal predecessors—a fact of historical notoriety — when there was no pretender to the throne, except, indeed, in the reign of queen Elizabeth—of the said realm of Ireland, by popish recusants having there had and taken the liberty to sit and vote in parliament. The 10th of the resolutions passed in the English House of Commons in 1698, upon the disputed dependence of the Irish upon the English parliament, refers to the causes of this disaffection. After mentioning differences of manners and customs, past contentions, confiscation of property—it affirms that this aversion is chiefly to be ascribed to difference in religion, they conceiving us to be obstinate and incorrigible heretics. The same unhappy, and, I fear, irremovable cause now exists, that has ever alienated the minds of Romanists from a reformed church. Now, my lords, suppose that they were inclined to grant to your lordships any security for this concession, which they are not—for they are determined, if we may judge from the language held at public meetings, to storm the constitution, and break open the doors of parliament—I ask what securities, what veto upon bishops, what securities of any kind, can be had against this aversion of the heart from a church, in which it is believed the souls of men cannot be saved; and which it is, therefore, their sacred duty to use their lawful influence to subvert? It is this religious aversion—not the traitorous, not the dishonourable, but the conscientious, the legitimate exercise of it, when introduced into the great councils of the nation, we may justly apprehend —against which there can be no security, unless Roman Catholic bishops, legislators, and privy councillors could be found, who would earnestly contend for the ascendancy of a faith which they believe to be destructive of the eternal welfare of men. Recent, as well as remote, events warn us of the dangerous, the tyrannical, domination of the priesthood over the temporal affairs of kingdoms. We see it operating in France, Spain, Portugal, and Ireland. In Portugal, it has produced open convulsion, and threatens the overthrow of a constitution. In Ireland, it has obtained an unconstitutional triumph over property, and established a popish convention in defiance of the law.—My lords, I consider this a question vitally affecting our Established Church. I know that, in offering my feeble support to that establishment, I shall subject myself to be designated a bigoted churchman; one, contending for the temporal emoluments of his profession. But, as I trust I shall never be guilty of the undignified, the unprofessional error, of imputing sordid motives to those who differ from me in opinion upon a speculative point, so I shall ever rebut such imputations with contemptuous disregard. I have ever considered the question to be this—Is the church beneficial to the people? Is it, therefore, to be upheld as one of our civil establishments, or are its doctrines to be left to the arbitration of reason, unassisted by the secular arm? My lords, when we see the minds of men every where distracted and depressed by the doubts and fears of superstition, or hardened in infidelity; when we see a false liberality (the same that has clouded the fairest prospects of Great Britain both at home and abroad) refusing even to childhood religious instruction, educating subjects and philosophers more fit to dwell in the cynic tub of Diogenes than under the roof of Christian charity; when we see the pride of intellect outstripping, with hasty and false steps, every thing that is sacred and valuable to society, and leaving far behind it the stationary rock of truth; when we see the country demoralized, and the edge of the law blunted by the frequency of crime; it is not too much to say that a legislature should uphold some beacon for those who would look up to it with respect; that thus far, a church and a government have a common object and a common duty. And when it is advanced, that reason should uphold her own doctrines, and erect her own beacon—I say that she would do so, if she had reason only for an antagonist; and her enemies would not bring into the field against her, their passions, their prejudices, their ambition, and their political objects. There must be some limit to this argument. Reason will only operate in proportion to human perfection. It is desired to instruct the ignorant, to conduct them by some prepossession to that which they could not otherwise discover, the best source of instruction. Without this prepossession, the learning of universities would appeal in vain from the wildest fanaticism to the reason of savages newly imported from the heart of Africa. My lords, when universal justice may suffice for the protection of property, and men leave their doors open at night without fear; then may universal reason suffice for the protection of truth. Upon these grounds, it is my intention to vote against the proposed resolution.

The Bishop of *Durham* said:—My lords, when the question of the Catholic claims was last discussed in this House, I took occasion to state to your lordships my sentiments upon the general subject; and perhaps I should not now trouble your lordships again, were there not some points connected with the view I then took of the question, which have, since that period, been frequently adverted to, both in and out of parliament, and which appear to admit of further elucidation.

The point I then chiefly pressed upon your lordships' attention was, an objection, grounded upon the implicit obedience which every Roman Catholic acknowledges to be due to the spiritual authority and supremacy of the see of Rome, and to be even of paramount obligation to all other duties. I have seen no reason to change my sentiments upon this subject, notwithstanding the offence that the charge of divided allegiance seems to have given in some instances, and the contempt and derision it has met with in others. I do not wonder, my lords, that high-minded and honourable men, of the Roman Catholic persuasion, should feel indignant at the imputation of anything that may seem to carry with it a charge of disloyalty to their king, and disaffection to the government of the country. But the Roman Catholics do themselves injustice in putting this construction upon it. Their conduct is founded upon a religious and conscientious persuasion, which, however erroneous we may deem it, cannot but be regarded with respect. It relates to a point which Catholics themselves appear to consider as distinguishing them from other Christians, and placing them upon higher grounds than others; and, therefore, instead of regarding this as a reproach, we might rather expect them to boast of it as their peculiar privilege. It is one thing to say to a person, you are disloyal and disaffected, and another to say, you hold such or such tenets, which we conceive to have a direct tendency to that effect. But, say the Catholics, you charge our opinions with consequences which we deny, which we disclaim and abhor. We declare, nay, we are ready to swear, that our allegiance is undivided; that we pay to the sovereign all the obedience that is due to him. And will you not believe us on our oaths? Is it not monstrous, is it not intolerable, that our most solemn asseverations should not be relied upon? My lords, that a Roman Catholic may conscientiously take an oath to that effect, I am not disposed to deny; and that he may take it without any mental reservation, inasmuch as, according to his notion of the allegiance that is due, he gives all that he conceives to be requisite; and it being well known that, in spiritual matters, he acknowledges obedience to be due to the Pope, he is guilty of no prevarication or dissimulation in this respect. But allegiance is a relative term, capable of a larger or more restricted signification according to the claims of the parties to whom it is to be given. And here is the real point of difference between us. We differ from the Catholics as to the quantum of allegiance that is due to the sovereign of the state. They hold that none is due to him but in temporals only; we insist that, by the laws and constitution of this realm, he is entitled to it in spiritual and ecclesiastical matters also. Therefore, though the view which the Catholic takes of the subject may be sufficient to exonerate his conscience in this respect, yet it does not remove the great stumbling-block to his being admitted to the same extent of privileges with ourselves. If he gives a less portion of submission and allegiance, he may, without injustice, be allowed a less portion of favour and indulgence.

A very extraordinary argument has, however, been put forth, with reference to this point. It has been said, that if there be any force in the objection of divided allegiance, it must be of greater weight when the entire population is Catholic, as in Catholic states, than in Protestant states, where the number of Catholics is comparatively small. A more palpable fallacy can hardly be imagined. For, the fact is, that in a Catholic state this divided allegiance cannot take place. Under such a government, no diminution of the allegiance due to the sovereign can arise from the acknowledgment of the pope's spiritual jurisdiction and supremacy, because the sovereign does not claim this as his due. He himself, being a Catholic, at the head of his subjects, makes his own acknowledgment and submission to the Pope, as head of the Church; and in so doing virtually disclaims any right to it himself. But in a Protestant country (in our own, at least), the sovereign actually claims, and by the laws and constitution of the realm is entitled to, that specific obedience which the papist withholds from him; and therefore from his rightful authority so much is evidently subtracted.

But here, again, we are beset with much sophistical reasoning on the nature of temporal and spiritual power: which are frequently represented as separated by so strong and clear a line of demarcation, that the one can never be confounded with the other, nor even so united together as to make the one dependent on the other. Dr. Doyle, in his "Essay on the Catholic Claims," has devoted the first section of his work to this question. He adopts Dr. Johnson's definition, who says, "Allegiance is the duty which subjects owe to their government." He then observes, "If by the government we are to understand the king, in whom the executive power of the state is lodged, Catholics do not withhold from him any duty to which by the laws of the realm he is entitled. They admit, like other subjects, even that prerogative of his majesty, by which he is recognised as the supreme head on earth of the church of the United Kingdom, as the same is established by law; and, though they themselves do not belong to that church, they as freely and as willingly, as the members of the Kirk of Scotland, or as any other body of Protestant Dissenters, pay to his majesty whatever duties the law requires they should pay to him in capacity of head of that church. The law which sanctions their dissent from the doctrines of the Established Church, permits them not to believe that the king has spiritual jurisdiction; and if their dissent be thus sanctioned by the law, there is no division of allegiance or breach of duty in the withholding of it. . . . Were we members of the Church of England or Ireland, as by law established, we might have new and other duties to perform to the supreme head of that Church: but as we are not, we may be allowed to think, that the non-performance of such duties is not a proof of our allegiance being divided." Again, he says, "This allegiance of ours may not be so extensive in its objects, as the allegiance of those who profess to obey the sovereign in spiritual as well as temporal things; but it seems to me to be as full as perfect as that of any class of Dissenters." And, again, "Though it may be admitted, that Dissenters of any kind do not pay so comprehensive an allegiance to the king as is paid by the members of the Church of England and Ireland, it by no means follows, that the former do not pay to his majesty all the duties which by law are required of him." How far the law will bear out Dr. Doyle in the assertion, that, by tolerating dissent, a sanction is given to the tenets of the parties dissenting, I leave it to the learned in the law to decide. But, I think it appears, even from Dr. Doyle's own showing, that Papists and Protestants are not precisely on the same footing, with respect to the point in hand, the real extent of their allegiance. The same distinction, and the same kind of reasoning, will be found in the "Declarations of the Roman Catholic bishops;" and also in another writer of great distinction among them, Dr. Poynter, in his remarks on the spiritual supremacy of the Pope: "The authority," he says, "which the Pope now exercises over the Catholics in England, is purely ecclesiastical and spiritual; it has not the least mixture of any portion of civil and temporal authority annexed to it. It is chiefly exercised here in appointing bishops, and in giving them powers for the spiritual government of the Catholics, in their respective dioceses or districts; in superintending the religious conduct of the Catholics; and in granting dispensations from the ecclesiastical impediments of matrimony, when necessity requires. But this ecclesiastical and spiritual authority of the Pope in England, as well as that of the Catholic bishops here, is not invested with any civil formality, nor has it any civil effect. In its object, and in its means, it stands in a very distinct order from the civil power of the state." I could extract much more to the same purpose from these high Catholic authorities, were I not unwilling to trespass unreasonably on your lordships' attention.

To these authorities, however, my lords, I will take leave to oppose two of the greatest weight on this subject—Lord Clarendon and Dr. Barrow. Lord Clarendon, in his masterly Treatise on Religion and Policy, a work with which every statesman in this country ought to be conversant, largely discusses this question of spiritual and temporal authority, with reference to the papal pretensions. His first chapter lays down, briefly and clearly, the general principles of the question; and after stating it to be the duty of the sovereign to provide for the peace of church and state, he observes, that "princes and kings, to whom this necessary supreme trust is committed, cannot transfer it to another over whom themselves have no authority." He adds, "That power which the Pope pretends to have in the dominion of other princes, with regard to religion itself, and that supremacy which he usurps in some places, and is denied to him in others, is far from ever having been looked upon, in Catholic times, as a part of the Catholic religion; and whatever concessions of power may have been made to him by any kings to be exercised in their dominions, or whatever he may have usurped upon others without their consent, can signify nothing, nor be applied to the prejudice of those who refuse to admit him to any kind of authority in their territories, where they have the sovereign power." In the concluding chapter, which applies the preceding historical view of the subject to this country, he observes:—"It is no excuse, to say, that they do not acknowledge any temporal authority in the Pope. Spiritual authority hath done too much mischief to be undervalued. No man yet knows what themselves mean by that spiritual authority which they own to be in the Pope; and which they would, before this time, have explained, if they thought no harm could be apprehended from it. The attributing any power to him, of how spiritual a nature soever it is thought to be, shall be enough to give law to the temporal, when a spiritual end shall so direct it."—Again; "the Catholics say, they are willing to take any oaths, that they will be always faithful to the king, and continue so, notwithstanding any dispensation or injunction, that the Pope shall publish or grant; but that they dare not take upon them to define or limit the Pope's power or jurisdiction, and so determine what he can or cannot do; as if they can warrantably declare, that they will not obey him, if they once believe that he hath a just and warrantable power to command them."—"If the Pope be allowed to exercise any authority in another prince's dominions (how limited soever it may seem to be), under the style of spiritual or any other restraint, it may, by the artifices and comments of his emissaries, the priests, be extended to such a magnitude in the hearts and affections of the subjects, as shall be strong enough to shake all the temporality, when it shall be applied to that purpose." Dr. Barrow, in his learned work on the Pope's supremacy, still more copiously illustrates the connexion between spiritual and temporal power, showing that it is impossible, by any certain bounds, to distinguish their jurisdiction. But I will not weary your lordships with further citations from writers of this early date. We have been told, indeed, of late, that it is vulgar prejudice to look back to past times; that it is ungentlemanly to cast reflections upon the tenets of the Roman Catholics; and that only book-read blockheads trouble themselves with researches of this kind. Yet it may be hard to show why book-read persons may not form an opinion on these subjects, as well as they who read no books. But this by the way. Let us come to more recent authorities.

Great stress has been laid on the opinion of the six foreign Universities, in answer to the queries proposed to them relative to the pope's authority. I have carefully considered these documents; and I confess, my lords, to me it appears, that neither the queries nor the answers touch the main point. They go no further—and probably the ingenious jurist who drew them intended they should go no further—than to obtain a disclaimer of the right of the papal see to exercise merely civil or temporal authority in the concerns of other states. If this were all the information that was wanted, the necessity does not very clearly appear of going so far to seek for it. For who ever assumed that the pope had a right to interfere in things purely civil and temporal, without any spiritual or ecclesiastical purpose? What, then, ought the question to have been? Not whether he had authority in temporals as such; but whether his spiritual authority can be fully exercised without interfering in temporals; how far it extends; where it begins, and where it ends; what are its limits, its purposes, and objects? These were the points necessary to be ascertained; and had the queries been somewhat to this effect, it may be difficult to conjecture what answers would have been elicited, but it is not difficult to conceive that they would have been very different from those which have been actually returned.

Much has also been said respecting the present condition of the Catholics in other countries, as contrasted with our own. On this point, my lords, my information has been chiefly derived from the massy report of the committee of the House of Commons in 1816, and from Mr. Gally Knight's recent pamphlet. From these it appears, that even in Catholic countries, great restrictions are laid upon their communication with the see of Rome, and many regulations enforced to which the Catholics in this country are by no means disposed to submit. In Austria, especially, so complete is the power of the government in this respect, that it might be almost said of the sovereign there, as it is of our own, that he is "in all causes, and over all persons, as well ecclesiastical as civil, supreme." In the Protestant continental states it is nearly the same. But, I contend, my lords, that, in point of fact, there is, perhaps, no case to be found, in any of these states, entirely parallel with our own. Where the Roman Catholic religion is the established religion, there is, as I have already observed, a most striking difference. And where the government, whether Catholic or Protestant, is of a more despotic form than ours, it is not a case in point, and cannot fairly be brought into comparison. There can, indeed, be no strictly parallel case, where there is not a representative body forming a part of the legislature. This it is, which gives a peculiar character to our form of government, and creates peculiar difficulty. For, my lords, I contend, that of all the powers and privileges that can be conferred, the legislative function is decidedly the greatest. The highest executive office in the state is inferior to it, because the highest, even that of the sovereign himself, is controlled by law. An admission to the right of making and unmaking laws is therefore one of incalculable importance, and requires to be most carefully guarded.

On the question of securities, however, I do not mean to enter, no specific plan being brought under our consideration. But it is pretty evident, that none will be acceded to by the Catholics, which can be deemed satisfactory. We know that even the proposed *veto* upon the nomination of their bishops was resolutely opposed; and that one of the highest ecclesiastical authorities among them, Dr. Milner, declared that he would sooner shed every drop of his blood, than consent to it. Their advocates, also, frequently intimate that no securities ought to be insisted upon, which can in any degree interfere with their known principles. These are circumstances which seem to present insuperable difficulties.

But, it will be asked, is then this state of things to continue for ever? It is not easy to answer this question. For my own part, I can hardly conceive that any thing short of an entire renunciation of the authority of the see of Rome, can give effectual security. Lord Clarendon, in his work on religion and policy, suggested a distinction to be made between those Roman Catholics who would renounce the jurisdiction of the pope, and those who would not. Bishop Lloyd, also a staunch defender of the Protestant cause, and one of the seven bishops sent by king James to the Tower, wrote an excellent tract to the same purpose. With reference to the penal statutes, then operating with great rigour upon Catholics, he intimated a wish that, as a motive to induce them to withdraw from their connexion with the pope, the laws might be mitigated in favour of those who will dissolve that connexion, and left in force only against those who adhered to it; by which distinction he conceived it not improbable that, in course of time, many would relinquish their dependence upon it altogether. Until some such change be effected, I see not how the concessions sought for can, with any degree of safety, be made. My lords, it is painful to make these observations; but where such great interests are at stake, I cannot conscientiously do otherwise, nor hesitate in saying, on the present question, "Not content."

Viscount *Goderich* said, I would not now have troubled your lordships if I had had any previous opportunity of expressing my sentiments upon this question in this House, and which sentiments I will endeavour to compress into as narrow a compass as possible. In this view, my lords, I shall not advert to that part of the subject which most directly arises out of what we all admit to be the errors of the Church of Rome. The question before your lordships does not really depend upon the consideration of whether the Roman Catholics are right or wrong in the religious opinions they hold; but whether there be any such tie or connexion between these erroneous principles and their political relations to the state, as can justify parliament in maintaining restrictions, which all of us admit to be justifiable only on a clear and admitted ground of necessity. It is impossible for any man not to feel that this is a question of unspeakable importance; and, when I say it is one of unspeakable importance, strong as the expression may be, I feel that I greatly underrate the character which really attaches to it. I think it is a question not merely important, but absolutely vital,—vital, not only in the estimation of those who support it, but also of those who oppose it. If we, my lords, who are friendly to its concession, think that without it you can have no peace or tranquillity in one half of the kingdom, that without it, you never can possess that entire confidence in your own strength which is necessary to your own safety, because it is essential to teach other nations that it is a dangerous thing to meddle with a united kingdom, I say, that if we who advocate the question, are actuated by these considerations, no less urgent, no less vital, must they appear to those who are strenuously opposed to such concession. If it be admitted that this state of things as regards Ireland is, beyond description, unsatisfactory, if this be admitted by the opponents of the question, if they at the same time do not attempt to conceal from themselves the danger to which the country at large is thereby exposed, it is not a little extraordinary, that they should look upon the danger of continuing such a state of things to be so infinitely exceeded by the danger that would result to the constitution from its removal by the concession which is claimed of them, that they cannot make up their minds to it. If it were true that this is a question, the principle of which is one not simply of expediency, but so mixed up with the very essence of the constitution, that you could not depart from the practice of permanent political exclusion of Roman Catholics from all participation in the legislature, or the capacity of holding civil office, without thereby subverting the constitution, there would be an end of the question. Such a consequence at once sets aside all question of justice, all question of expediency, and renders it unfit almost to discuss even the grounds which can be assigned for the measure. But I cannot bring myself so to view this question. I cannot bring myself to think that it is a principle of the constitution to exclude any man from a fair participation in civil office, unless you can clearly establish the fact, that during the whole time for which you do so exclude him, you cannot safely admit him to civil rights. But such a system of exclusion is so foreign from the genius of the constitution, that you ought carefully to look at the grounds upon which, in particular cases, such an exception from our general practice has been established; and, unless you can demonstrate that, in the particular case, it has been founded in justice or reasonable precaution, it is possible to maintain that it is a defensible principle. Now, my lords, I should be glad to know upon what argument, it is to be contended, that the exclusion of the Catholic peers from seats in this House is a principle of our constitution, if it be necessary to prove it a principle of our constitution, that the exclusion itself should be recognised as just? What led to their exclusion? Was it any crime they had committed: was it the proof of any wrong which they had done; any thing which was the result of deliberation on their part, of some well-concerted act? Why, it was struck out at a heat, as it were, and, in consequence of one of the most infamous acts that ever disgraced the legislature of this country. And what is it, my lords, that you would do now? You deprive of an undoubted right those Catholic peers. They had an hereditary right to seats in this House, as strong and as indefeasible as any of us who are now here. On what principle do you justify their continued exclusion from that right, unless you can assign some ground of adequate necessity for it? If you say that their exclusion is justified by that course of illegal proceedings which was, about a century and a half ago, wound up by the judicial murder of one of those unfortunate peers, who had been thus unjustly excluded, I reply that it is no part of that constitution, which I was about to call blessed; but while this statute remains to disgrace it, I will not use such an epithet towards a constitution which, otherwise, would be blessed indeed. But, my lords, we have been told to-night that this exclusion is no degradation to any one; and I do not know that the mere fact of exclusion, is, in itself, a degradation; and a thousand reasons may be alleged why a man may occasionally labour under a political disability, without any thing of a discreditable nature having happened on his part. But what is the case here? You exclude persons because, as you admit, you cannot trust them; you have, in effect, declared, that you cannot believe them; for that they owe a divided allegiance. Now, to suppose that men, with the feelings of gentlemen, can experience any other but a sense of degradation and mortification, at finding that we cannot trust them, but think that they will conspire to effect the ruin of their country, appears to me quite idle. It is impossible that there can be any thing more mortifying to men who can look back to a long line of ancestors, and to the glorious acts they have performed, only to sigh over their own melancholy fate, which has put them out of a condition to confer similar benefits upon a country, to which, in spite of its injustice to them, they still retain the most loyal attachment. But, my lords, you should observe, that if this exclusion from civil office be inherent in our constitution, we are at this moment infringing the principles of the constitution. In 1793, you gave to the peasantry of Ireland, by the passing of the Forty-shilling Freeholders' act, the power of returning members to parliament; and yet you will not give a similar power to those who are capable of discharging such duties, in a way not liable to the same objections. The power which you permit, in its full exercise, to forty-shilling freeholders, to whom you extend the privilege of returning almost all the representatives of Ireland, you will not concede to the Catholic peers of the United Kingdom. Can any thing be more inconsistent than such a mode of proceeding? You have taken another singular step, my lords; for, by a very recent act, though, you will not hear of Catholics coming into civil office, you give them the power of the sword, by admitting them into the army and navy; and surely in these services, if they were disposed to prejudice the state, they might do so, at least, as effectually as in civil offices. You recently thought it desirable to alter the law, as far as it relates to commissions in the army and navy, and I must say, that though I think it a wise and just measure, and one that reflects the highest credit on the parliament which carried it into effect, yet, that even that leaves the Roman Catholic in a state of great inequality. Catholic officers, under this act, may obtain every degree of rank, even to the very highest—they may distinguish themselves in every possible way—they may receive the thanks of parliament for their service—they may have the Order of the Bath conferred upon them—they may have pensions granted them; but they can never enter the doors of this House. If I look round this House, I shall see many individuals whose peerages are owing to the services they have rendered their country, in the profession of which I have been speaking; and what can be more painful to those noble peers than to see those individuals with whom they have shared the same perils and the same glories in the field of battle, not allowed to share the same honours in this House, nor to transmit to their posterity the full reward of their gallant deeds.—Great stress has been laid by some noble lords on the connexion between Roman Catholics and the See of Rome; and it it has been argued by the right rev. prelate, who has just sat down, and by the learned lord behind me, that that species of respect which is due from the Catholics to the pope, renders those Catholics unfit to hold civil office in this country. I must confess, that I have never been able to understand what this divided allegiance means, unless it be that which applies equally to a Catholic as to a Protestant country. The right rev. prelate has said, that there can be no question of divided allegiance, as far as regards a Catholic country; because the only allegiance that they owe to the pope is a deference in spiritual matters, and, as in a Catholic country, the sovereign owes exactly the same allegiance, the right rev. prelate contends, that no danger is incurred there from the circumstance. But, in reply to this, I would say, that, after all, the allegiance which a Catholic owes to the pope is spiritual only; and, however important this may be to him in a religious point of view, it is of very small consequence as far as regards the temporal acts of the state and the temporal power of the sovereign. And it by no means follows that a Catholic prince, though he may owe a spiritual allegiance to the pope, shall be disposed on all occasions to submit to that authority in those particulars in which it would be unjust for him to interfere; and in support of this opinion I may call your lordships' attention to what occurred at no very distant period. Joseph 2nd, the Emperor of Germany, who, in a certain sense, was a great reformer, did not scruple to take somewhat violent measures against the Catholic Church; but, at the very time that he was employed in putting an end to monasteries, and other religious establishments, in the hereditary dominions of Austria, he was paying the greatest possible external respect to the pope. He invited his holiness to Vienna, bowed down before him as the head of the Church, and was delighted to be called the Holy Son of the Church, though, at the same time, he was doing the very thing that he must have known to be most disagreeable to the pope. His holiness, likewise, must have known, that though he might make representations and protestations, it was entirely out of his power to prevent the proceedings of the Emperor, I therefore, my lords, have a right to say, that those dangers which really had an existence in former times are no longer in being; not that the Catholic religion, *quasi* a religion, is changed, but, because that is changed, which is more powerful than all of us—the times are changed —a different feeling has spread itself throughout Europe; and though some noble lords may consider the pope is as formidable now as he was in the earlier periods of the Christian Church, the real fact is, that the Church of Rome, as it was in former times, no longer exists. True, the pope sits on the same throne that he used to do—the ceremonies of the Vatican surrounds him as of old—he still holds his sway at carnivals, and presides at councils *de propaganda fide;* but the history of Europe for the last century, presents the undeniable fact, that the Church of Rome is undergoing a gradual decadence from her former power, until at length she has become nothing but a bugbear. For the last hundred and thirty years—even from the time of king William 3rd., if your lordships will look at what were the real causes of all the political agitations, you will find that they have had nothing to do with them. I, therefore, say, that the pope of these days is not the pope of former days: and I will further say (though I may be twitted for the phrase), that this is owing to the march of intellect; and whatever sneers may be thrown out against this advance, you may as well try to stop the inundation of the Nile with the palm of your hand, as to check the increase of intellect, and improvement. I do not think the objection which has been urged by my noble friend (lord Bathurst) is altogether fair towards those who support a question of this kind. The objection that my noble friend has taken is, that the motion embodies no specific proposition. This might have been a good objection, if this question had never been discussed by your lordships before; but it unfortunately happens, that the question has been here already, in those very forms which my noble friend seems to wish on the present occasion. Mark the success with which it has been attended. One of the propositions that have already been before this House, was one which I should have thought the most timid might have consented to,—that of placing the Catholics of England upon an equality with their Protestant fellow-subjects. This surely was a practical measure enough, and one against which I can see no possible objection; but an objection was found to it—"We cannot grant this; because if we do, more will be asked," So, that, because we have once been unjust, we must continue to be so. The next proposition was that of the introduction of Catholic peers into this House; but here again the same argument sprung up, and it was contended, that this could not be granted, without more being required, and that, therefore, it was necessary to deny this first step.—With respect to the general question, it has already been twice before your lordships—once in 1821, and once in 1825;—and on both these occasions, the measures proposed were rejected. Without pausing to remark upon the preposterous inconsistency of requiring those to name the securities who really think that no securities at all are necessary, I may say that this has been peculiarly the case with the two last bills. It would seem, therefore, that unless we are able at once, to provide some infallible security against all the evils which the enemies of emancipation may be apprehensive of, we are, therefore, to be debarred from ever bringing the question before the legislature. I do think, however, that one favourable omen for the Catholic cause is to be drawn from the acknowledgment of the noble earl (Bathurst), that sooner or later, the Catholics must be admitted to a participation of the political rights of their fellow-subjects. That opinion no man who mingles with society can deny to be just. No man can enter into society in this country without becoming convinced that the question of giving relief to the Catholics is daily and hourly gaining ground; and though the resolution proposed this night may not be carried, I cannot avoid feeling that this is the last defeat which its advocates are doomed to sustain. I cannot avoid anticipating, at a period any thing but distant, the triumph of those principles of reason and justice by which this motion is sustained; a triumph which, while it must add to the strength, the security and the happiness of the country, will at the same time enable us to exhibit to foreign nations the spectacle of a free, a united, and, therefore, an invincible people.

Earl *St. Vincent* said, he thought that the measure could not be any longer withheld. The privileges which were now demanded must sooner or later be granted. The exclusion from the enjoyment of those privileges was not congenial to the spirit of the British constitution, but had been superinduced upon it, at a time in which, if necessity demanded such a restriction, that necessity had long ceased to exist. The allegiance which the Catholics bore to their sovereign was quite distinct from that spiritual allegiance which the tenets of their religion enjoined towards the pope, as head of their church. In this consideration he was borne out by the fact, that the Catholics who had held high military rank had not laid aside the feelings of Englishmen, and made the military power they possessed subservient to the views of the pope. The Catholic was found, in whatever situation employed, ready to maintain the constitution of the country, with as much alacrity as any other description of his majesty's subjects. With this statement, he concurred most heartily in the proposition submitted to their lordships by the noble marquis.

The Duke of *Gloucester*.—As I have never, my lords, taken any part before in any of the debates upon this question, I rise to say a few words, in explanation of the vote which it is my intention to give, in support of the proposition of my noble friend. That proposition has been introduced by the noble marquis in a speech of so much eloquence and argument, and has been so ably seconded by the noble viscount, and others who have since addressed your lordships, that I feel it unnecessary to trouble your lordships at any length upon the subject; but I think, as I have hitherto abstained from making any observation, that it is my duty, on the present occasion, to explain the reasons of the vote I am about to give. After affording the subject the utmost consideration, I feel, indeed, that I should not do my duty if I refrained from supporting the measure which my noble friend proposes in the resolution he has submitted to the House. If, in the anxious consideration I have given to this subject, I could have perceived any danger likely to accrue either to the Established Church or to the constitution my family were brought to this country to maintain, from making concessions to the Roman Catholics, I may say, without hesitation, that nothing on earth could have induced me to lend those claims my support. After the most attentive consideration, I cannot, however, admit that any danger could accrue to any class of his majesty's subjects, from granting to the Roman Catholics the rights and privileges to which they are entitled; and I really think that the security, as well as the prosperity of the empire, depends in a great measure upon the conceding to them those rights and privileges of which they have been so long debarred. When, however, a bill for that purpose is brought into this House, and I hope before long, that it may be brought in, I am anxious that there should be such an arrangement with the See of Rome, as may enable his majesty to possess the same authority over the Catholic Church, as that which is possessed by the sovereign of the kingdom of Hanover, and of the other Protestant states of the continent. Such an arrangement as that, coupled with a provision for the Catholic priesthood, would, I am confident, remove all causes of dissatisfaction, and add to the security as well as to the prosperity of the country.

The Bishop of *Lincoln* said:—If more than one noble lord, in addressing your lordships on the present occasion, has thought it necessary to begin with declaring, that his ingenuity does not enable him to suggest any thing new on a subject which has been so frequently under discussion, it is far more incumbent upon me to make a similar declaration. But I am anxious to explain very briefly my view of the concessions to which this House will be pledged, not expressly, indeed, but virtually, by adopting the proposition of the noble marquis; and, at the same time, to meet his demand, that we should state explicitly the danger which we apprehend from making those concessions. My lords, the danger which I apprehend is the same which has been stated by a noble and learned lord, who lately filled the highest legal office in the sister country—danger to the Protestant Establishment; and the authority to which I shall appeal, in proof of the reality of that danger, is the same to which that noble and learned lord appealed—the authority of Dr. Doyle. Your lordships may remember that, a few years since, it was suggested in another place, that the only effectual remedy for the ills of Ireland was an union of the two churches; and that Dr. Doyle addressed a letter to the author of that suggestion, highly applauding the sentiment, and stating, that to accomplish such an union would prove a less difficult task than might at first be supposed. In the latter part of this assertion I cannot believe Dr. Doyle to have been serious. He could not surely mean to give up the claim of his church to infallibility; and who, my lords, can be ignorant, that when an infallible church professes to unite itself with another church, the union must be such as Rome in ancient, and France in modern, times made with the nations which they conquered; an union in which one party has only to exact, and the other to make, concessions? But I believe Dr. Doyle to be perfectly serious when he states his conviction to be, that the permanent pacification of Ireland can only be accomplished by an union of the two churches; in other words, that Ireland, in order to be tranquil, must become Roman Catholic.

The noble marquis has said, that the friends of emancipation never contended that it would operate like a charm; that it would immediately restore tranquillity to Ireland. But, surely, my lords, it was contended that it would of itself be sufficient, if not immediately, yet ultimately, to produce the desired effect; that when the star of emancipation should arise, the angry billows would cease to lash the shore, the winds would be hushed, and every cloud would gradually disappear from the face of heaven. But what, my lords, is the language held by Dr. Doyle? He says that emancipation, of itself, will not pacify Ireland; that it will, indeed, effect much, but its principal value, in his estimation, manifestly is, that it will open a passage to ulterior measures. With respect to the nature of those ulterior measures, Dr. Doyle, in the letter to which I have alluded, is not very explicit. But, in a letter subsequently addressed to a noble lord, one of the representative peers of Ireland, he expresses himself more clearly. The language in which he states his opinion is not less deserving of the attention of your lordships than the opinion itself. It appears that the noble lord (lord Farnham) had said at a public meeting that the Church Establishment must fall if Catholic Emancipation was granted. On this Dr. Doyle, observes, "I think the Church Establishment must fall sooner or later; its merits in Ireland are too well known—it has been brought to the light, and its works being such as do not bear the light, it will, it must, suffer loss, as soon as an impartial judgment can be passed upon it. Clamour, bigotry, enthusiasm, and a spirit of selfishness, constitute its present chief support. It derives no aid from reason, justice, or public utility." He then goes on to say, that the concession of the Catholic claims would hasten the fall of the establishment, and ends with the following remarkable words:—"The English people are, as yet, but imperfectly acquainted with the nature or the viciousness of this establishment. We, in Ireland, have been accustomed to view it from our infancy, and when men gaze for a considerable time at the most hideous monster, they can view it with diminished horror; but a man of reflection, living in Ireland, and coolly observing the workings of the Church Establishment, would seek for some likeness to it only amongst the priests of Juggernaut, who sacrifice the poor naked human victims to their impure and detestable idols." Such is the language which Dr. Doyle thinks himself warranted in applying to an establishment, which contains within its bosom, at the present moment, as shining examples of learning and piety as ever adorned a church. Such is the language which he uses, while his countrymen are approaching the legislature in the character of petitioners. What, then, will it be, when the object of their petition is attained? When I look at these opinions, and consider the quarter from which they proceed, do I draw an unwarrantable inference, when I conclude, that no sooner will the struggle for emancipation cease, than the struggle for establishment will commence; and that the effect of concession will be, not to produce peace, but only to change the subject of contention? My lords, I see no mode of avoiding this conclusion. It cannot be said that Dr. Doyle is ignorant, either of the opinions or of the dispositions of the Roman Catholic priesthood; but it may be said, that I ascribe undue weight to his opinions, and overrate the influence of the priesthood over the minds of the lay population. My lords, the evidence of facts convinces me that it is scarcely possible to overrate that influence. Look at the proceedings of that body, of which we have lately heard so much — the Roman Catholic Association. Is it not manifest that the leaders in that assembly are merely the organs of the priesthood? Look at what took place at the last general election. What was the influence then exerted by the Roman Catholic clergy? Was it not found sufficient to destroy the legitimate influence of property? to break asunder the connexion between landlord and tenant—the dissolution of which, in this country, I should regard as one of the greatest evils which could befal it? And are we not told that, whatever might be the influence then exerted by the priesthood, it will, in the event of another general election, be found to have received a fearful increase? I am now speaking of the extent, not of the character, of that influence. On that point I wish to be silent. The sentiments which I have quoted are not peculiar to Dr. Doyle. They are expressed with less force, perhaps, and ability, but not less plainly and explicitly, by other members of the Roman Catholic hierarchy. I am, therefore, compelled, however reluctantly, to agree with Dr. Doyle, that emancipation will not tranquillize Ireland—that it will be only the prelude to a demand of the establishment; nor is it difficult, my lords, to foresee the nature of the arguments which will then be used, in order to induce your lordships to comply with that ulterior measure. You will be told that, whatever might be the case in England, the transfer of the ecclesiastical property from the Roman Catholic to the Protestant clergy, was in Ireland an act of gross injustice; that no change had taken place in the religious belief of the community, which warranted such a transfer; that, in consequence of that act of injustice, Ireland has, since the Reformation, presented the strange anomaly of an establishment, the creed of which is professed only by a small minority of the population, and you will be called upon to undo the wrong committed by former legislatures, and to restore the ecclesiastical revenues to the ministers of that religion, which is, in fact, the religion of the country. These are the arguments which will then be urged upon you, and lest they should fail to convince your understandings, you will be told as you are now told, to beware how you trifle with the just demands of six millions of people.

I am aware, my lords, that many persons ridicule the idea, that any danger can arise to the Protestant establishment from the repeal of the disqualifying laws. According to them, the establishment will be endangered, not by the repeal, but by the continuance, of those laws, which bind the laity to the clergy by giving them a common interest. But once remove the civil disabilities, once open to the Roman Catholic laymen the avenues to advancement; and we are told, that his ideas will expand in proportion as the sphere of his active exertion is enlarged, and that the narrow spirit of the religionist will give place to the generous feelings of ambition, the liberal and enlightened views of the competitor for the power and honours of the state. We are even told, my lords, that, if the disqualifying laws were once repealed, the larger portion of the Roman Catholic population, far from wishing to substitute their own, in the place of the Protestant Church now established, would strongly deprecate such an event. I am alluding particularly to the opinions expressed in a very able pamphlet, entitled, "A Letter to a Protestant," which was written for the purpose of showing that no danger could arise to the Protestant establishment from the repeal of the disqualifying laws. But much as I admire the talent and eloquence of the writer, I cannot receive his opinions as the opinions of the great mass of the lay population of Ireland. Do they feel no anxiety for the restoration of their church to its ancient splendour and preeminence? Have they not a direct interest in endeavouring to effect that restoration? It appears from the evidence given before the committee, which sat upon the state of Ireland in 1825, that a large proportion of the incomes of the Roman Catholic clergy is derived from fees paid for the performance of religious rites, and that the fees are high, when considered with reference to the condition of the payers. Is it credible, my lords, that the laity should not be anxious to be relieved from the burthen of paying, and the clergy from the irksome task of demanding these fees? So obvious is the inference from this fact, that many of the warmest advocates of emancipation have always insisted upon the necessity of connecting with it a measure, by which a maintenance for the Roman Catholic clergy was to be provided. Such a measure was connected with the Bill of Relief in 1825. But, if it had passed into a law, there is reasonable ground for doubting whether it would have produced the desired effect. The question with the Roman Catholic clergy is not one of pecuniary compensation, but of feeling; they regard themselves as the rightful owners of property, of which they have been unjustly deprived, and will not be well content to receive as a boon that which they conceive themselves entitled to claim as a right. I have read very recently in one of the public prints, a letter written by a Roman Catholic clergyman, deploring the degraded state of the Roman Catholic clergy in France, who are mere pensioners of the state, deprecating, in the strongest terms, the extension of a similar system to the Roman Catholic clergy of Ireland, and calling upon the legislature to restore to them a portion, if not the whole, of the possessions, of which they have been deprived.

But suppose, my lords, that the effect anticipated from the repeal of the disqualifying laws, is produced, and that the higher classes of the Roman Catholic laity—which will be immediately benefited by the repeal—are thereby separated from the priesthood; will their separation be followed by that of the great mass of the lay population? If any reliance can be placed on the authority of Dr. Doyle, it will not. He says—"The Catholic aristocracy, as they are called, since the Penal laws were relaxed, have gradually withdrawn themselves from the people; they have shewn, on some occasions, an overweening anxiety for emancipation, at the expense of what the priesthood, and the other classes, deemed the interests, if not the principles, of their religion. Hence they are looked on with suspicion, and can no longer wield the public mind." The fact here stated by Dr. Doyle—that the Roman Catholic aristocracy have lost their influence—presents, in my opinion, one of the principal obstacles to the final adjustment of this long-agitated question. If the Roman Catholic aristocracy and clergy in Ireland stood to each other, and to the people, in the relation in which, for the good of society, they ought to stand, I confess that my apprehension of danger from the repeal of the disqualifying laws would be greatly diminished. But so long as the public mind is wielded exclusively by the priesthood, so long will it be made the instrument of promoting, exclusively, the views of the priesthood; and, looking at the common principles of human nature—at the peculiar situation in which the Roman Catholic clergy are placed, and at the peculiar feelings by which they must be actuated, I cannot but conclude that the object nearest their hearts is the substitution of their own church for that which has usurped its place; or, in Dr. Doyle's gentler language —an union of the two churches—an union which will allay all religious animosity, by causing the Protestant to merge in the Roman Catholic church. It happened to me, my lords, to become an observer of political events at a time when the church of Rome had fallen from its high and palmy state, when its sovereign pontiff, instead of launching the thunder of the Vatican, and causing kings to tremble on their thrones, had himself been deprived not only of temporal dominion, but of personal liberty; and when in two countries in which it had once flourished in wealth and splendor, its altars had been overthrown; its temples desecrated; and its ministers driven from their homes to seek a precarious subsistence from the bounty of strangers. It was impossible, my lords, to behold, without the liveliest feelings of commiseration, this striking instance of the instability of all human greatness; not to sympathise with men who were suffering for conscience sake; and, while we admired the constancy and cheerfulness with which they bore their sufferings, not to become more favourably disposed towards the church of which they were members: not to forget its past history in the contemplation of its present fortunes; not to cherish the hope that, in case it ever again should raise its head, and regain any portion of its former power and greatness, it would be found to have profited by the lessons of the great teacher of moderation and wisdom—adversity; that, though its doctrines would remain unchanged, its spirit would be ameliorated; that it would no longer attempt to impose fetters on the understandings or consciences of men; no longer advance those extravagant pretensions, which had rendered it the object of distrust and dread to the members of every other religious community. My lords, since the time to which I allude, events have taken place which then appeared to be scarcely within the range of probability, and the Roman Catholic church has been re-established in the countries from which its ministers had been expelled. But where do I find the symptoms of that ameliorated spirit which I had anticipated? Compare the temper of the French clergy in the time of Louis 14th, and at the present moment:—then they maintained with zeal the liberties of the Gallican church; now they appear zealous only to surrender them. Look at the whole course of their proceedings since the restoration of the Bourbons, and then, let me ask, has it not been such as to afford reasonable ground of alarm to all the friends of religious liberty; reasonable ground for concluding that, if they have not yet gone the utmost lengths to which the Roman Catholic priesthood ever went, they are restrained, less by the want of will, than of power.

I make these observations with feelings, not of exultation, but of sorrow. I deplore the spirit manifested by the French clergy; for, as extremes beget extremes, I fear that it will give rise to a spirit of irreligion, and thus sow the seeds of future disturbance to the peace of France; and, consequently, of Europe. It would be more agreeable to me to say, as I said when the repeal of the Sacramental Test was under discussion, that I apprehended no danger from concession; but when I look to the spirit which prevails among the Roman Catholic clergy in foreign countries, and am told, with respect to Ireland, upon authority which I cannot controvert, that emancipation will not be the limit of concession;—that it is valuable because it opens a passage to ulterior measures; and I am further told, in no unintelligible language, that these ulterior measures are the concession of the Protestant establishment, or rather of Protestant belief (for that is the true meaning of the union between the churches of which Dr. Doyle speaks), I am obliged, however reluctantly, to say, that I do apprehend danger from concession.

The Duke of *Cumberland* said, that he took a different view of this question from some of the noble lords who had addressed the House. It was asserted, that the concession they were required to make to the Roman Catholics would have the effect of tranquillizing Ireland. He must say, however, that if it would tranquillize Ireland, which he was not prepared to admit, it would, on the contrary, produce a very great disturbance here. Whatever ferment might exist in Ireland from withholding the boon of Catholic emancipation, it was a very doubtful matter to him, whether the granting it would not produce a much greater ferment in this country. For this reason, among others, he opposed the motion; and though some persons might be disposed to call him a bigot, he acted according to his real and conscientious belief, when he entered his strongest protest against the resolution recommended by the noble marquis.

The Marquis of *Londonderry* said, he would not detain their lordships with any detail of his opinions upon this question. He could not, however, avoid observing, that the question was rapidly gaining ground, and that those who were opposed to any concession to the Catholics in one session, expressed their cordial assent to their emancipation in the next. His opinions upon the subject were unchanged: he had full and unlimited confidence in his majesty's government; but, notwithstanding the allegiance he owed the noble duke at the head of that government, it was not possible for him to depart from the opinions he had already expressed in favour of the Catholics. He was quite sure that the time would arrive, when the legislature must adopt the noble marquis's resolution, or some other measure which would have the effect of giving tranquillity to the Irish people. When the noble marquis was on the ministerial side of the House, he ought to have stepped forward and proposed some measure for the relief of the Roman Catholics. If he had done so, and made the same exertions in its support then, which he used now, he must have accomplished the object he had in view. As the noble marquis had proposed the resolution in a speech of singular ability, and as he cordially concurred in all the arguments he had used, he would content himself, on the present occasion, by declaring, that his humble exertions should never be wanting to the support of the cause of the Catholics, and that he gave his vote most cordially in support of the present resolution.

The Bishop of *Landaff* said, he was aware there was a progress of opinion in this country, which might, at some future period, admit of the entertainment of this question. But the present time and the present disposition of the people of this country were not favourable to it. As he apprehended that the proposition now before the House, as a preliminary measure, would not be followed in the sequel by a legislative measure of relief, he was adverse to the adoption of it. It would only lead to the excitement of hopes which would not be realized. The doctrine of divided allegiance was one which he could not reconcile with the allegiance due by good subjects to their sovereign. Even Catholics themselves had recourse to sophistry in their endeavours to explain it, but he owned that it was one that had never been sufficiently explained to himself. He did not say that the time would never arrive when concession to Catholics would be absolutely necessary, but merely stated a supposition, that such a time might come when securities would be proposed and accepted, and the measure made agreeable and safe to both parties. In the hope that such a measure would be devised hereafter, but in the conviction that there was no likelihood of such a measure being propounded under our present circumstances, he should oppose the motion.

The Earl of *Dartmouth* said, he was desirous of seeing the path of honourable ambition opened to Catholic peers and to Catholic gentlemen; but, looking to the proceedings of the Catholic Association, and to the writings of Catholic priests, he could not bring himself to believe, that the carrying the question would have the effect of tranquillizing Ireland. On the contrary, he believed that the people of Ireland would consider emancipation only as a triumph, and as a step to the establishment of the Romish Church. At the same time, he should not be reluctant to consent to the experiment being made, if sufficient securities could be given; and he thought, if the Catholics were sincere in their professions, there could be little difficulty in finding such securities.

The Earl of *Carnarvon* said, he wondered, since the noble earl was of opinion that none of the measures hitherto adopted had had the effect of tranquillizing Ireland, that he had never thought of trying what might be done by means of conciliation. The House of Commons had come to a resolution, that they would take this matter into consideration. His noble friend was accused of not having brought the subject before the House during the last session, but the reason why he had not done so was obvious. In the last session the House of Commons had come to an opinion directly the reverse of their present vote; and that was, in his opinion, reason enough why his noble friend had not brought it forward last year, and had done so in the present. Now, it would be remembered, that they had come to this decision, not at the call of the administration, nor at the suggestion of the Court, but under the influence of that which, in spite of sarcasm, he would pronounce the march of intellect—that which was not a new spirit, but as old as the Reformation—that which no policy of church or state could check; which might be perverted to bad purposes, but which was calculated to lead to the very best results. He asked their lordships to look at the measures of conciliation which had been passed in latter times, and see whether their consequences had so disappointed the hopes with which they had been adopted, that there was any one of them that they wished revoked. Similar apprehensions had been entertained when they were proposed; but had any danger arisen from them? Was the church less firm? Was the throne less secure? One of those measures, which had the least been given in a conciliating spirit, was that in which the power of the sword was put within the reach of the Catholics. The same fears had then been expressed; the learned lord (Eldon) who then sat on the woolsack looked grave; but he should like to ask him, whether the Catholics had so abused the power then given them, that he would deprive them of it. He had heard from a noble prince, that the repeal of the Test and Corporation acts had created a great sensation. If he had not heard it, he should not have known it: he should have forgotten it, but for an invitation he had received that day to a dinner in commemoration of it. He was glad to see that the opinions of the opposers of the measure had been gradually undergoing a change; some of the most strenuous of them were beginning to slide out of their opinions; and he hoped soon to be able to say, that the Church of England, which was endowed with every liberal principle, would disdain to resort to a system of exclusion, which was fitted only for the total ignorance that prevailed in the court of Spain; and soon he hoped there would be only a few old lawyers and old women who would venture to avow such notions. Some of these opposers were very much in the habit of appealing to the wisdom of our ancestors; he was more disposed to appeal to the wisdom of posterity. The "march of intellect" was the "order of the day;" two phrases which he resorted to, because he thought them admirably adapted to the military tone of the present government. It was true that we might govern Ireland almost as we chose: but we could not compel the people to renounce popery, and give up their religion. The military establishment there rode triumphantly over the country, and over our finances; but, although we could govern Ireland, she could never be conquered. And what would be the state of affairs if we should be again plunged in the calamities of war—if the gallant spirits who had given the noble duke at the head of the government the brilliant victories he had won should remain in moody silence when he might have occasion to call for their aid? Ireland felt that she was something separate and apart from England: there was in all she did a sort of centrifugal force, which we could only correct by drawing her interests closer to us, by measures of conciliation. The smallest boon granted now would do more good, and be received with more good will, than the most important concession which should be made when circumstances might seem to extort it. We must, at some time or other, capitulate; and he asked the noble duke whether any good general—and he was a good and great general—would put himself into such a position, when he might not only avoid it, but convert all his enemies into allies? He was induced to make these observations, in the hope of hearing from the learned lord (Redesdale), what principle established at the Revolution would be deviated from, by agreeing to this resolution? He would not seek to support his view of the subject, by the authority of Fox, Pitt, Burke, and Wyndham, nor to revive painful feelings by alluding to the loss which the cause had more recently sustained. The spirit was the same, and would ever remain so. As to the pertinacity with which the Catholics insisted upon retaining certain names, he regarded that as a mere trifle. It was natural that they should cling to their nominal distinctions; and he was not quite sure, that, in laying traps for Catholics, we might not be caught ourselves. He could not sit down without expressing his opinion that his noble friend's manner of introducing this subject had been most judicious, calculated to excite no jarring opinion, but to bring fairly before the House one of the weightiest questions it was ever called upon to discuss.

The debate was then adjourned till tomorrow.

HOUSE OF COMMONS.

Monday, June 9.

Relations with Portugal.] Mr. *E. Davenport* requested the attention of the House upon a subject of great public interest, and upon which he might or might not find it necessary to take some ulterior step, according to the answer he might receive from the Secretary of State. The House was aware, that for some time past the accounts from Portugal had been of a very distressing character; and the feelings of disgust which they had excited had not been diminished by the recollection that that country, beyond all others in Europe, had been influenced by British councils. The case seemed briefly to be this:—Some three years ago, a prince, known only by the precocity of his crimes, who, before he had reached the years of manhood, was guilty of one of the most atrocious murders ever recorded; and who had succeeded in imprisoning his father, and had nearly usurped his power, was sent to expiate these offences, and to study the arts of constitutional government under that able master, that tried and assured friend of free institutions, prince Metternich, that celebrated diplomatist, who, to other advantages, added that of the intimate friendship of his majesty's present Secretary for Foreign Affairs. As soon as his education was judged to be complete—he meant, of course, that of the prince, not the minister—he was invited to assume the government of his native country, and to preside over that free constitution, which, to say the very least of it, was brought to Lisbon by the hand of a British minister, now high in his majesty's confidence. Before, however, he was allowed to quit Vienna, he was understood to have given the most unequivocal pledges of allegiance to his sovereign and to the new system he had established, to the courts of London, Vienna, Paris, Madrid, and Rio Janeiro; and, to make his regeneration still more evident, and perhaps to obtain letters of pratique as to the soundness of his mind, he took England in his road, and enjoyed the rare advantage of passing some days in the society of the constitutional king of these realms. Soon after reaching Portugal he took the oaths to the constitution; but scarcely was that ceremony concluded, when, with a perfidy without example in modern times, and which would have done justice to the most celebrated models of antiquity, he threw off the mask, dissolved the Cortes, the only organ of the constitution, and set on foot a rigorous persecution against all who were supposed favourable to that new order of things, which he had just sworn to maintain. The consequences were dismay and confusion, without parallel since the days of the French Revolution; the unhappy constitutionalists flying to the Tagus to seek an asylum in any ship destined to any port, so that they might escape the fangs of that apostolical Nero; and this moment of horror and agony was, he grieved to say, the one of all others selected for withdrawing the British troops: even the forts on the Tagus were surrendered: and among others the Bugio, which was the key to Lisbon, was given up, and turned into a state dungeon. Now he begged to be distinctly understood as being no advocate of war. Nothing he had said had any such tendency; it was the want of a vigorous, humane, and generous policy which he lamented; and he must ever think that the removing of troops at so terrible a moment, and thus for the sake of a few paltry pounds compromising millions-worth of national honour, was as inconsistent with sound policy, as it was with the humanity of the British character. It left behind it the appearance of a cold-blooded, unfeeling, transaction; and this feeling was not diminished by a report, that an officer of high rank, holding a lucrative but useless office, had held language here, and written letters to persons in Don Miguel's confidence, urging them to persevere; and thus tending to cast imputations of treachery, which it was quite impossible to believe could have any foundation. Now the information he would ask, was, first on what conditions, and in trust for whom, were the forts in the Tagus surrendered?—what steps were taken previous to their surrender, to obtain payment of the money due to us for the troops?—and lastly, in what relation do we now stand with the Portuguese government?—Were we bound to support the usurper, or were we not rather bound to use our influence against him, and in favour of our ally?

Mr. Secretary *Peel* regretted that the hon. gentleman had not confined himself to a mere statement of the questions which he intended to ask, instead of having introduced a mass of observations and comments. He would answer the hon. gentleman's three questions in a plain and distinct manner. In answer to the first question, as to the forts given up, he had to state, that before the arrival of Don Miguel, it was determined by the British government—all fear of the invasion of Portugal having been removed—that the British troops should be withdrawn. And he begged to remind the House, that those troops were sent to Portugal, in fulfilment of an ancient treaty, for the purpose of preventing invasion. They were not sent to that country to support any form of government. The time had arrived when the apprehended danger was at an end, and those troops were, of course, withdrawn; and as a necessary consequence of that step, the evacuation of these forts took place. He thought the hon. member must agree with him, that nothing could be more contrary to the principle on which that expedition was sent to the shores of Portugal, than to keep those troops there when all idea of invasion had ceased. The hon. gentleman then asked him, whether this government expected payment of the sum due from Portugal to Great Britain, on the condition of the forts being given up? In answer to that, he had only to say, that he should be sorry if England had set so bad an example before Europe, as to keep those fortresses until payment of that debt was effected. The original condition remained in full force, as to the payment of that debt. The sum due was not half a million of money; it amounted to about 160,000*l.* For that sum this country had a right to prefer a claim; but he could not think, that, under any circumstances, it would have been prudent for Great Britain to keep possession of those forts until that debt was liquidated. With respect to the third question,—namely, "what is the state of the relations at present subsisting between this country and Portugal?" he had to inform the hon. gentleman, that, at this moment, the political functions of the English Ambassador at Lisbon were suspended. The instructions which had been sent to the British Ambassador, were, he conceived, sufficiently manifested by this fact. As some allusion had been made by the hon. gentleman with respect to the education of Don Miguel at Vienna, he wished to state, that the Ambassador of Austria at Lisbon had acted entirely in concurrence with the sentiments of the English government. He believed that the course taken by the Court of Austria, and by the Austrian Ambassador, was precisely the same as that pursued by the British Court. The hon. gentleman had made a most serious charge against an individual who had not an opportunity to defend himself. Now, he must say, that when hon. gentlemen preferred accusations of that kind against any person, whatever his rank or situation, they ought to weigh, with scrupulous exactness, the evidence on which charges of so grave a nature were founded. No gentleman ought lightly to make a charge of murder in the British senate, when the person thus assailed had no opportunity of defending himself.

Sir *J. Macintosh* said, he had heard with great satisfaction the declaration of the right hon. gentleman, that the British government, as well as the other governments of Europe, had suspended all diplomatic intercourse with the present rulers of Portugal. Such a suspension amounted to a declaration, that the present chief of that country was a rebel and an usurper, and to an approbation of the noble efforts of those faithful Portuguese, who had taken up arms against that atrocious usurpation, in defence of the cause of legitimate authority and constitutional liberty. He fervently prayed for the success of that glorious resistance pronounced to be lawful by the unanimous voice of Europe. Whatever might be his opinion about the moment chosen for our evacuation of Portugal, he rejoiced, on one account, that it had occurred so early. We had been told in the last and present year, that the Portuguese people were enamoured of servitude; that they loved even the despotism of Don Miguel; that England had imposed a constitution on them, and crammed it down their throats. The people of Portugal had now belied those assertions. Since the departure of the British army, they had risen to assert their liberty, to destroy tyranny, to overthrow usurpation, and to maintain the authority of their lawful prince. Even, if fortune should not crown their efforts, (which, God forbid), they had done enough to vindicate their character, and to justify that interposition of England, which was indeed no more than the bare observance of treaties, but which seemed to be obnoxious to many in this country, merely because that observance incidentally led us to give countenance and help to attempts made by a monarch to give liberty to his subjects. Events seemed as if they had been disposed for the express purpose of illustrating the impartial fidelity with which England had observed her engagements to Portugal.

Mr. Secretary *Peel* said, he wished to repair an accidental omission. Of course he could know nothing of the supposed letters; he could not say whether such letters were or were not written; but this he could state most explicitly, that no individual had any authority to speak the opinion of the British government except the British Ambassador. He would add further, that if any person supposed that government viewed the conduct lately pursued in Portugal with any feelings other than those manifested by the suspension of the British Ambassador's functions, he entirely misconceived what was felt by the government generally, and by every individual of which it was composed.

Mr. *E. Davenport* said, there was not an individual acquainted with the affairs of Portugal, who entertained the slightest doubt of the charge which he had made in the early part of his observations. Lord Liverpool had stated to a friend of his, that he had not a doubt of the fact.

SUGAR DUTIES.] The House having resolved itself into a committee of Ways and Means,

The *Chancellor of the Exchequer* said, he rose for the purpose of moving for the continuance of the existing Duties on Sugar for another year. During the early part of the session, attempts had been repeatedly made to revise the existing law, and to make some arrangement, with respect to the sugar duties, which would be more satisfactory to all the parties concerned. It was unnecessary for him to enter into the details of the various plans which were proposed to effect this object, since none of them had been found to conciliate the approbation of those for whose benefit they were intended, and, as against all of them substantial objections might be urged. To some of them he was not indisposed to give his support; but, as they went to produce a material reduction of duty, and as none of the arrangements held out the slightest expectation of repairing, until a distant period, the great loss which the revenue was likely to sustain, under these circumstances, he had deemed it most prudent to propose the continuance of those duties for another session. The House must be aware of the large revenue derived from sugar, and could not but feel, that under circumstances even of the most favourable nature for that purpose, it was a commodity which could not be smuggled. In considering the duty, therefore, they had no allowance to make for a probable increase of smuggling. The average annual sum paid for duties on sugar, amounted to 4,500,000*l.*; and, he was sure, that whatever opinions might be entertained by individuals, as to the amount of protection granted to one species of sugar over another, still those opinions, when the question was practically considered, must be overcome by the recollection, that any person holding his situation ought not lightly to hazard a large amount of duties, which had been long continued, and was easily enforced and collected.

Mr. *C. Grant* said, he had given his best attention to the subject, for the purpose of correcting the anomalies of the system, and giving satisfaction to all parties. A proposition was made last year by those interested in the question, the nature of which was already before the public. He should abstain from entering into the details of that plan, because when it became his duty to meet the refiners, and other parties who had interest in it, he found, after maturely considering the subject, that it was his duty to reject what was proffered. He followed up that by another proposition, in some respects similar to that to which he had referred, but in others extremely different. In that plan he did not contemplate the restoration of bounties, as they had existed a few years before. After giving much consideration to the subject, he had arrived at the conclusion, that the only efficient plan would be one founded on the principle of a reduction of duty. The plan which he had at that time considered, he did not communicate either to the East or West India interest. He had abstained from making that communication, until the sanction of government was obtained. He therefore had proposed a reduction to the amount of 7*s.* per cwt; that was, from 27*s.* to 20*s.* on West-India sugar. His next proposition was, that the duty on East-India sugars should be lowered 5*s.*, and that foreign sugars should be admitted at a duty of 28*s.*, and be bonded at a much lower rate. This proposition was favourably considered by his right hon. friend, and other members of the government.—He knew there were many persons who would object to the proposition he had adverted to, on the ground of its not being a sufficient reduction; but, under existing circumstances, he could not see how a greater reduction could be made. He was convinced that a reduction of the duties would tend to increase the consumption. He had seen a calculation which made the quantity of sugar consumed in this country amount to twenty-two pounds for each person in the year. But this must be extremely inaccurate, for, in our very workhouses, the quantity was thirty-four pounds a head; and in private houses, the allowance was fifty-two pounds. This was a proof that nothing but a high duty checked the consumption of sugar. But, if this calculation were wrong as far as England was concerned, it was perfectly ridiculous with respect to Ireland. Three pounds was the quantity allowed, by the calculation, to each individual in that country. He was not prepared to propose that the duties on East and West Indian sugar should be equalized, but in every other article he thought there should be a difference between East and West Indian produce. By a bill which he had prepared, and meant to bring in after the recess, but which he supposed either his right hon. friend, the Vice-president of the Board of Trade, or the great unknown, who was not yet appointed, would now bring before the House—he had intended to put this principle in practice—to admit East-India cotton as freely as West-Indian, and indeed to retain no exception but the articles of sugar and coffee.—He thought that, in regard to East and West India produce, the parties interested were equally mistaken. If he were called upon to give advice to the West-Indian proprietors, he would tell them, that it was well to forego a distinction, which only tended to keep alive animosity, and was a perpetual theme of mutual accusation and invective. He did not think that it would affect the profit of the West-Indian proprietor; but even if it did, the benefit which would arise from the removal of this distinction would amply compensate for a loss which would be very trifling. Some of the refiners had suffered deeply from the present system. Sugar from Cuba and Brazils would have found its way to the emporium of this country, if it had not been for the exclusive system. Cuba produced ninety thousand and the Brazils sixty thousand tons. To carry the cargoes of such countries would have conferred a benefit on our shipping. If he were asked, whether a departure from the system would not be productive of a reduction in the revenue, he would reply, that it appeared to him that it would cause but a little decrease in the revenue that year, and that there would be an augmentation of revenue in every other year. In his opinion, a plan might be formed on the basis of reduction of duty, which would be found beneficial to the West-Indian grower, and to the East-Indian produce, which would protect the refiner, and prove advantageous to the shipping interest of the country.

Mr. *Whitmore* said, he could not think that there ought to be any difference between the duties on East and West Indian sugar. He would ask why, in two possessions belonging to the same country, there should be any such difference? As to the prescriptive right of the West-India proprietors, it would be recollected, that the present duties were settled in 1815, not by a discussion in that House, but by the parties interested. The question must stand upon justice, and not upon prescriptive rights. It had been often said, that sugar could not be produced in any part of our possessions in the East Indies. Bishop Heber, alluding to the ignorance which prevailed in this country with respect to Indian affairs, said, that the assertion that no sugar was raised in India might be contradicted by the mere cockneys of Calcutta, and pointed out places in which the raising of sugar was a part of the industry of the country. The admission of sugar upon fair terms would greatly promote the trade of this country with the Indies. In 1814, the first year of the free-trade system, the exports of this country to the East Indies amounted to 1,696,000*l.*; in 1826 they amounted to 4,887,000*l.* Was not this a proof of the truth of his position? There was a population of eighty millions in India, who had been proved to entertain none of those prejudices which had been falsely ascribed to them, and which it had been said would prevent their purchasing our goods. Their poverty, and not their prejudices, had hitherto prevented them. He should feel it his duty to propose, that there should be no greater duty on East-Indian than on West-Indian sugar, and to take the sense of the House on the subject.

Mr. *Bernal* begged the House to recollect, in considering the difference between the duties on East and West Indian produce, that no man could possess a yard of land in the East Indies; and that therefore, as long as the East-India Charter remained in suspense, this subject could not be fairly investigated. He called upon the House to recollect that, by admitting the sugar of the Mauritius, they were conferring a benefit on the foreign slave-trader, at the expense of the negro population of our own colonies. It ought also to be recollected that, in proportion as they limited the gains and abilities of the master, in the same proportion they were likely to deteriorate the condition of the servant. It was a gross delusion to suppose that the West-India proprietors put large sums of money into their pockets, by the sugar bounties: but he had no objection to have the whole amount stated, and if it were found to be too great, let the duties be withdrawn. He contended, that the revenue would be considerably improved by the reduction of the duties on West-India sugar, which were nearly 100 per cent. He begged his hon. friend not to press his amendment to a division, but to wait until next year.

Mr. *Hume* expressed his entire concurrence in the view taken of this subject by the late President of the Board of Trade. His able speech was an additional proof of the loss which the country had sustained, in being deprived of his valuable services. He trusted that the liberal principles which the right hon. gentleman had so ably supported would be followed by his successor. With respect to the sugar duties, he did hope that government would consider the propriety of not keeping them at their present amount. So far from a reduction being injurious to the revenue, it would prove highly beneficial, by the increase of consumption. This was seen in the case of the reduction of the duties on wine. He would contend, that if the nine hundred thousand pounds of sugar exported were consumed in this country, as they would be if the duties were reduced, it would more than make good the deficiency created by the reduction. The same might be said of most other necessary articles. Thus, if in the article of tea the duty were reduced 25 per cent., the consumption would be so increased, that the revenue would gain by it. The consumption of sugar depended on the price. Last year there was a deficiency in the consumption of three hundred thousand pounds, owing to the increase of price. He contended, that an equalization of the duties on East and West India sugars would be a nullity; for the price would be regulated by the prices at Hamburgh. The price of what remained in this country would depend on the amount exported. He saw no reason why all foreign sugars should not be admitted; for the price here would depend on the price abroad. We should imitate the practice of the Dutch, who understood the principles of commerce as well as any nation, but never made any difference in the duties on East and West India sugars. If proper encouragement were given to East-India sugars, we should have a supply from thence equal to the demand; but at present that supply was limited, because no market was opened for it here. They were bound in justice to reduce the duties on West-India sugars, which had been increased from time to time, on the understanding that they should be reduced at the end of the war; and there was the less excuse, as the observance of good faith in this instance would advance the interest of the country.

Mr. *J. Stewart* said, that if encouragement was given to the East-India sugar-trade, we should have a supply to any amount that might be required, and have a mart opened for our staple commodities. The demand for some of these, such as copper and lead, in India was scarcely worth mentioning; because they had nothing to return but articles which we would not take. The improvements in our cotton trade had already stopped every loom in India; and it was not fair that we should shut them out from a mart for the only staple they could give us. Under these circumstances, he would support the amendment.

Mr. *F. Buxton* expressed his surprise, that any hon. member should wish for the introduction of foreign sugar. If honourable members knew the horrors of slavery connected with its produce, they could not give it any encouragement. He considered that we were in some degree pledged against any such encouragement. At the Congress of Vienna, it was agreed, by those nations favourable to the abolition of the slave-trade, that if France, Spain, and Portugal continued that traffic, their sugars would not be received. It was a mistake to suppose that the comforts of the slave-population depended on the high price of sugar; for it was proved by experience, that in proportion as sugar was cultivated, the condition of the slave was rendered worse, and *vice versa.* As to competition betweeen East and West India sugars, it was idle to talk of their coming into the market on similar terms. The East-India sugar was shut out from the English market, and had only its chance of the foreign market.

Mr. *Bright* was glad that ministers considered themselves as a new government, and took time to consider this question. The wide distinction between the West and the East Indies was, that the West Indies were cultivated by British capital. This country had monopolized the supply of stores to the West Indies, by preventing the direct supply from America; the West Indies, therefore, had a peculiar claim on this country. Besides, the West Indians had a pledge, that the bounty on the exportation of sugars should be augmented in proportion to the duty on importation. The East Indies stood on a very different footing. He hoped the government would not be led away by idle theories, but would deal with the question like practical statesmen.

Mr. *Huskisson* said, he must explicitly deny, that any of the alterations to which allusions had been made, had taken place, without proper deliberation as to their consequences upon our colonial relations. He concurred in the proposed postponement because he knew that the chancellor of the Exchequer had devoted himself to the consideration of the subject, and had carefully investigated all its bearings upon the West-India interest, the shipping interest, and, above all, the interests of the great bulk of the consumers of sugar in this country. If it could be afforded at a cheaper rate to those whose habits had rendered it one of their most essential commodities, it was desirable it should be so. He was glad that his right hon. friend had that night delivered his able view of this question; because it was on his part, as well as on that of his right hon. friend, a redemption of their promise of last year, to introduce this subject for consideration, with regard to the whole of the important interests connected with it. If it were possible to take off between one third and one fourth of the duty on sugar, the result might prove a great relief to the West-India planter, in the increased consumption which it would create, a new demand would be induced, and the pressure upon the old of the new markets of Berbice, Demerara, and the coast of Guiana would be relieved. When he looked at the present state of affairs, he was not sorry for this postponement; for, in the state of the public revenue, with a finance committee sitting, it was right that his hon. friend should not, before he saw what was to be his income and expenditure, surrender a revenue amounting to near one million sterling. Although he was sanguine that the alteration would not diminish the revenue, but increase it, by augmenting the consumption, still, as they were dealing with a revenue of four or five millions, it was prudent to let the matter stand over for another year. The hon. member for Rochester had argued the question of East-India sugars fairly, when he candidly admitted, that he was not one of those who viewed with alarm the effect of the admission of a certain portion of East-India sugars into this country. Indeed, he believed, that a limited quantity of the finer East-India sugar might be safely admitted into the market. So long as the East Indies remained in its present state as to colonization, any great increase of supply was not to be apprehended. But he agreed, that there was a ground of distinction between the East and the West Indies, and that they ought to be cautious how they dealt with the vested interests of the West-India capitalists. With respect to the Mauritius sugar, it should be recollected, that this country was bound by the treaty, by which it was surrendered, to admit its sugars on the same terms as those of its own colonies. As to the encouragement of the sugars of foreign colonies, nothing more was intended than to allow them to be brought here to be refined, whereas, they had before been carried to different places on the continent for that purpose, whereby the British refiner was deprived of a lucrative trade.

The *Chancellor of the Exchequer* said, it would not become him, after the statements of his right hon. friends, to say much more than that he concurred in the general tenor of their observations. He was sensible of the great importance of this question in all its bearings: he admitted, that an increased consumption would make up for a diminished duty, still he was bound to pause before he risked the loss of a million of his means. He was satisfied that general benefit would ensue from the postponement of this question for another year.

Mr. *Whitmore* proposed as an amendment, that after the resolution declaratory of the expediency of continuing the duties for another year, should be added the words—"save and except the duties on sugars imported from the East Indies." The amendment was withdrawn, and the original resolution agreed to.

HOUSE OF LORDS.

Tuesday, June 10.

Roman Catholic Claims.] The order of the day being read, for resuming the adjourned debate, on the Resolution moved by the marquis of Lansdowne,

Lord *Colchester* rose and said:—My Lords, although this important subject has frequently undergone discussion in parliament during the last twenty years, and although the progress of the present debate has not produced much new matter either of fact or of argument, nevertheless, in deference to the opinion of the House of Commons, expressed in a resolution formally communicated to us, I am desirous of stating, briefly and plainly, the reasons which oblige me to refuse my consent to the present motion.

The form of proceeding by which this question has been introduced to our notice, has, indeed, a character of novelty; but I think that even this merit cannot contribute much to its success. Year after year, specific and detailed measures have been presented to us, with securities and without securities, and of every various kind which could be thought likely to facilitate their favourable reception; and because all these have successively failed, it seems now to be thought, by a singular process of reasoning, that this House may consistently adopt this measure as a whole, of which it had hitherto rejected every assignable part. The substantial purpose of this resolution to which our concurrence is desired, under whatever aspect it may be exhibited, is, to make a great and essential change in our constitution, and in a Protestant state to give equal political powers to the professors of another form of religion, who are bound, in conscience and duty, to endeavour to destroy our own. And, if to preserve the religious peace of the country be a state concern—as it unquestionably is—this object surely cannot be attained by putting equal arms into the hands of the defenders of its established constitution, and also of its assailants.

Of such a change, however, as that

which is now contemplated, let us examine more distinctly, and by the standard of political expediency, what are the probabilities of advantage which it holds out to the Protestant portion of the United Kingdom; what would be its advantage specially to Ireland; and what benefits would be derived from adopting the policy of foreign states placed in a similar situation. To the Protestant portion of the United Kingdom, how can such a change be beneficial or even indifferent? Is it to the Established Church? Is it to the Protestant Dissenters? Can those of the Established Church desire to see a rival hierarchy introduced with equal authority, and exercising a legalized jurisdiction over the different classes of inhabitants in each diocese?—or to see a new principle of religious difference introduced into every corporate election?—or to introduce into the formation of parliament, and the conduct of parliamentary affairs, a new combination of persons hovering and shifting from side to side, as the contending parties of the day may happen to court their alliance, and purchase their occasional aid by increasing their lasting preponderance?

In the next place, can such a change be desired by the Protestants who dissent from the Established Church, after that casual bond is dissolved, which recently united them with the Roman Catholics, in pursuit of an object, which, so far as regards the Dissenters, no longer exists?

The Protestant Dissenters are an intelligent and well-informed class of men; and they well know, that, of all Christian sects, they and their tenets are most obnoxious to the Church of Rome. They well know the spirit of encroachment which actuates that church in the pursuit of power once placed within its reach. They well know the formidable character of that power over the minds and actions of those whom it governs; that the priest, armed with the tyranny of confession, and the terrors of excommunication, appears to his servile followers as their God; and that, in prostrate subjection to the priest, no Roman Catholic can (in the ordinary phrase) say that his soul is his own. It is impossible that Protestant Dissenters can desire to see such a domination re-established, of which they must be the first victims.

Much has been said in this debate, of the antiquated state of the doctrines of the Church of Rome, and the mitigation of their rigors by those who profess them in modern times. But, my lords, all Europe has witnessed, within the scope even of the present century, and within the last twenty years, the most mischievous doctrines of the Church of Rome, politically mischievous, proclaimed and re-asserted by the highest Roman Catholic authorities.

The last sovereign pontiff, in his circular letter of 1808, addressed to the foreign ministers then resident in Rome, upon the subject of religious worship in France, declares, that the Church of Rome abhors toleration; and in his circulars of the same year, addressed to his cardinals and clergy throughout Italy, prohibits the taking any oaths of unqualified allegiance to any other sovereign.

In England the vicar apostolic, and Roman Catholic clergy of the midland district, in 1821, by a solemn judgment delivered upon the bills then pending in parliament, declared that no Roman Catholic could, upon oath, disavow the deposing power, nor disclaim their desires and endeavours to weaken, disturb, and overthrow the Protestant religion—not, indeed, the Protestant Church Establishment—but the one body overthrown, how long the other would survive, your lordships cannot be at a loss to decide. And the reports of your own committee, in 1825, and the report of the Commission of Education in Ireland, in 1827, clearly prove, that the dispensing power, as to oaths, is still maintained to its fullest extent, and without any practical limitation.

With respect to the distinction between spiritual and temporal power, so much relied upon by some of its advocates, the Church of Rome herself has never defined it. Every one knows that excommunication is an act of spiritual jurisdiction; and every one knows also that its effects are also temporal. Upon the latest parliamentary elections in Ireland, all such distinctions were notoriously disregarded; and electioneering exhortations, and electioneering denunciations, were delivered by the priests, in their chapels, and from their altars.

Nor, if we look to the individual character of those by whom these powers are, in our own times, exercised, and by whom it may be supposed that their rigour might be mitigated—shall we discover any guarantee for such moderation, either in those who have been imported from Coimbra or

Salamanca, or among those who are educated, at the public expense, in the royal college of Maynooth—where prevarication upon oath, and treason and cabal, appear to have thriven, in recent times, most abundantly.

These, my lords, are not antiquated and by-gone opinions and doctrines; they are all promulgated and spread abroad within our own times, and under our own observation. We have the Pontifical Circular of 1808, throughout Italy—the manifesto of the priests of the midland district of England in 1821—the whole mass of recorded evidence on oath, taken before your committee on the State of Ireland in 1825—the report of the Education Commission in 1827—and the Class Book then and still in use, to this very hour, at Maynooth. These are the living doctrines of those who now ask you for more power to enforce them; these are the springs of action which animate all their exertions; and in these I certainly do not see the materials for increasing the stability of the Protestant Establishment, or the general concord and satisfaction of all classes of his majesty's subjects.

If, therefore, this projected change in our constitution holds out no expectation of probable benefit to the Protestants of the United Kingdom, whether of the Established Church, or to those who dissent from it, shall we, nevertheless, adopt it for the sake of those separate benefits and blessings so much insisted on, which it is expected to bestow upon the population of Ireland? Will it, in fact, tranquillize Ireland? For the tranquillity of Ireland, it has ever appeared to me that other measures, widely different from this project, are urgently and indispensably necessary. In the first place, let security for life and property be established by the strong arm of the law; so that neither gentleman nor householder in Ireland need to barricade his dwelling before the sun goes down, in order that he and his children may sleep in safety. For it is a national disgrace to us all, that no administration—ever since we became one nation by the Union—has ever discharged this first and paramount duty of every civilised state towards its subjects. Let this blessing, therefore, be no longer delayed; and let there be a prompt, steady, uniform, vigilant, and effectual, execution of the laws, to protect the peaceable and industrious of all classes; for "no people under the sun," it has been truly said, "love equal and indifferent justice better than the Irish." And let the illustrious person now happily at the head of his majesty's government, distinguish the era of his power, and add this to the other glories of his public life, by extending to the inhabitants of what is more peculiarly his native country, the same shield of civil protection which makes life and property secure in every other part of the British empire.

Until life and property are secure, it is in vain to expect that British capital, so often and so earnestly invoked, but hitherto invoked in vain, will ever visit the shores of Ireland. But, when every man may be confident that he shall reap in safety the fruits of his own toil, enterprise will spring up in every direction. Let him but find the market of England open for his recompense, without a rival importation of foreign produce to undersell him, and tillage will spread itself over lands hitherto uncultivated; and it will be found better policy for our domestic wealth and independence to seek our supplies of subsistence from Ireland than from Poland, or from any other foreign country on the continent of Europe. And the surplus industry, which tillage, or the extension of manufactures, may not at first call into immediate activity, may be turned to account by employing it for a time upon the execution of public works for the agricultural and commercial improvement of the country; to be set on foot, indeed, at the outset by public aid, but that aid limited, at the same time, by the condition of a due share of local contribution; works such as have within the last five-and-twenty years, by similar means, so signally improved the northern districts of Scotland.

Employment, as was truly said by the noble duke in the late discussion upon the distressed state of Ireland, is the great desideratum for the superabundant population of Ireland; and that principle being adopted, we may be assured that the vigilance and activity of his majesty's government will embrace the earliest practicable opportunity, and the best practical means, for carrying that principle into full execution.

To accomplish the tranquillity of Ireland, what is falsely and absurdly called Roman Catholic Emancipation is not the true and appropriate remedy.

The disturbances which have so long agitated, and which still unhappily exist in, many parts of Ireland, have their root in causes widely different. They are proved, by the sworn evidence taken three years ago before your own committee, to arise out of the state of property, and the state of society, in these districts; and out of the restless endeavours of the miserable occupant to invade and control the rights of the lawful owner; to prescribe who shall, or shall not, be his tenant; whom he shall, or shall not, employ as his cotter, or his labourer; and the emancipation which is really nearest to the peasant's heart is emancipation from the payment of rent and tithes. To relieve him from their unreasonable pressure much has been done of late by the enactment of many beneficial laws, and mainly by the Tithe Composition act; but much more remains to be done by cautious, steady, and prudent, legislation, with a constant and persevering attention to the wants of the people.

And, although religious differences may, and do too frequently, exasperate the feelings of the people, and aggravate those disturbances and outrages, yet that they are not the generating cause of their existence, is demonstrably proved by the fact, that these outrages prevail more in the central and southern parts of Ireland, where the population are almost all uniformly Roman Catholics; and less in the northern counties, where the numbers of each persuasion being more equally balanced, the conflict might be more naturally expected , for I would ask from many now present who know it—Is it not in the central and southern counties that the Roman Catholic proprietor barricades his house against the Roman Catholic insurgent? and are not the habitations, the stack-yards, and the cattle of the Roman Catholic owners destroyed nightly by Roman Catholic aggressors?

Unhappily, the Roman Catholic priests will not consent to the joint education of Roman Catholics and Protestants, even in matters belonging to our common faith; a measure, which, if adopted, might gradually and greatly mitigate these evils, and perhaps ultimately extirpate them.

And, unhappily, also, these spiritual pastors, the Roman Catholic priests, have made themselves the temporal agents of that monstrous political engine of mischief the Roman Catholic Association, which, in defiance of the law—a law framed by a noble and learned lord now present amongst us, and who may explain to us the causes of its failure—has established a rival parliament in the metropolis of Ireland, uttering daily its unrestrained libels and menaces against the Church, the parliament, the government, and royalty itself; apparently with the countenance, and certainly without the reprobation, of the local government.

Beyond all this, it remains, my lords, for our most serious consideration, how far the tranquillity of Ireland would be ensured, even if all that is demanded by the Roman Catholics were granted; and whether discord of another and a more formidable character would not arise, when the Roman Catholic population, armed with new privileges, and new authorities, were urged by their priests into collision with all the rank and property of Ireland—nine-tenths of which are now vested in Protestant proprietors. May we not rather expect that terror and dismay would spring up from another source, and be spread still further and wider, and instead of arriving at the termination of your evils, whether you will not only be opening the commencement of new and heavier disasters? —far indeed from producing "peace and strength to the United Kingdom — or concord and satisfaction to all classes of his Majesty's subjects."

With such well-founded apprehensions, and such powerful reasons for rejecting the present motion, as derived from the domestic view of this question, we are desired, however, to shake off our English prejudices, and borrow, at least, some share of wisdom from the foreign and more enlightened policy of other Protestant nations on the continent of Europe.

The solution of all our difficulties is presented to us by a recommendation to open a direct intercourse with the see of Rome, and, by that alliance, to settle matters in a manner satisfactory to all parties.

Upon this project, it is to be remarked, at once, that it is a full, free, and frank admission of the fact hitherto so strenuously denied — namely, "the divided allegiance" of our Roman Catholic fellow-subjects; and the sovereign of these realms is to take to his aid the sovereign pontiff of the Church of Rome, to help him in the government of his own subjects. Be it so; and then we have exhibited to us, also, the forms practised by other Protestant states for this purpose, and the example of their salutary effects in their dominions, as a torch of experience put into our hands to light us on our way.

As to form, a *concordatum*, it is said, can only exist between the see of Rome and Roman Catholic powers; and our proceeding is to be by sending an ambassador to request a bull—for which it will be seen that we are to pay, however, by stipulations on our part.

The leading examples set before us are, not Protestant Sweden — for there the exclusion of Roman Catholics from political power, from seats in the diet, and from all high seats in the state, is thought to be the best guarantee—but Prussia, Hanover, and the Netherlands, are the examples, and all of them are new and untried.

As to Prussia, the date of its arrangement with the see of Rome is 1821, under which the sovereign appoints to the bishoprics, a power which we have been told, long since, would be inadmissible in Ireland, even though confirmed by the pope; and it is stipulated, also, that Roman Catholics are to pay no tithes to Protestants. Will this stipulation increase the stability of the Protestant Church in England or in Ireland? or will it be acceptable to the lay impropriators in either part of the United Kingdom.?

In Hanover, the date of the papal bull is 1824.—Here the Protestant sovereign has undertaken "*Rex spospondit*," to endow the Roman Catholic bishoprics, and deans and chapters, with lands or stipends of suitable amount; and will a British minister be prepared to bring down a similar recommendation from the Crown? or will a Protestant parliament be disposed to grant thousands upon thousands of public money, for the endowment of a Roman Catholic Church establishment? having, in the two first years of the administration of the noble marquis opposite me, curtailed the former grants for building and repairing Protestant churches in Ireland, from 30,000*l.* a-year, to 10,000*l.* a-year, and finally suppressed that grant altogether, although numberless applications for new churches were then depending before the Board of First Fruits; and although it is well known, and was established in evidence before your committee, that, wherever a new church was built, a full Protestant congregation immediately flowed into it. The spiritual supremacy of the see of Rome is fully asserted in the conclusion of the bull for the kingdom of Hanover, with the customary maledictions against all who shall resist it.

The king of the Netherlands received his bull in the autumn of last year, and in his dominions also, Roman Catholic bishoprics, and deans and chapters, are to be established and endowed at the expense of the state; and, what is worthy of remark, the Roman Catholic bishops may sit there in the Upper House of Parliament—a pretension insisted upon also by the late pope with respect to our parliament, in his Letter of 1816 to the Roman Catholic bishops of Ireland, which states his expectation that they would, as a consequence of their restoration to their other rights, be restored also to their seats in this House.

Of all those examples which we are required to follow, the oldest is of seven years date—the next is four years old, and the last not yet nine months of age; and all of them are inapplicable, or adverse, to the history, laws, manners, and habits of this country. A slender foundation for such a mighty change.

These are the general grounds upon which I cannot agree to the motion of the noble marquis, as explained in his opening speech; and, moreover, I specially object—

1st. That this is a direct step towards the overthrow of the Reformation in this country, by re-establishing in it the jurisdiction of the see of Rome.

2ndly. That it is contrary to the oath of the sovereign, who is sworn to maintain, not only the Protestant Episcopal Church, but also the Protestant religion. And, although the earl of Liverpool did, in the last debate upon this subject, in 1825, state his opinion, that the concession of any particular degree of political power to the Roman Catholics might, or might not, according to the nature of the case proposed, infringe upon the obligation contained in the Coronation Oath, he did distinctly declare, that to establish and endow the Roman Catholic religion within this realm would be a direct infraction of that oath. You would have, therefore, to alter that oath before you could make such an endowment; and can you alter it as to the sovereign who has taken it? or must you postpone the effect of such alteration to the time—and distant may that be—the time of a succession to the throne?

3rdly. That, to acknowledge the supremacy stipulated for by the Roman Pontiff, as in Hanover, you must alter the Oath of Supremacy now taken by his majesty's subjects, in which they swear that no foreign prelate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority within these realms.

4thly. As to equalizing the political privileges of the Roman Catholics and Protestants throughout the British empire, I object that you cannot extend the concession of political power to the Roman Catholics of Scotland without violating the Act of Union with Scotland, which excludes all Roman Catholics from being electors, or being elected to seats in parliament.

That, to introduce the Roman Catholics of England and Ireland into parliament, whilst you exclude the Roman Catholics of Scotland, would change your relative situation with Scotland, and place it in circumstances different from those on the faith of which that compact was founded.

And that, to introduce English Roman Catholics into parliament, you must repeal a whole series of acts from 30 Car. 2nd to 9 Geo. 2nd, including some of the most solemn parts of the Bill of Rights.

Objecting, upon all these grounds, to the proposed resolution, and its consequences, I would say, as has been said before in this House, "Remove no more land-marks, but keep all bodies of his majesty's subjects in their present places and stations, as they now stand." And, when this question of concurrence shall be finally brought to the vote, I, therefore, must and shall say, most decidedly, "Not content."

The Marquis of *Bute* said, he could not, with the best attention it was in his power to give the speech of his noble friend, feel himself influenced by the same reasons, or induced to arrive at a similar conclusion. He thought that, in the consideration of this question, it was incumbent upon those who were opposed to this vote, rather to show the political necessity for their opposition, than to call on those who brought it forward to show the reasons for its adoption. Still, however, its supporters had, in compliment to their opponents, stated the grounds of their support, and it was now the duty of the House to give the question their fullest consideration. Looking, therefore, only to those who were opposed to this motion, he thought they ought rather to show that there would be greater risk to the establishments of this country by making concessions to the Catholics, than by withholding what they claimed. He disputed such a conclusion, and should shortly state the reasons on which he did so. The noble lord who had just sat down had seemed to assume, that by giving a vote in favour of the proposition now before the House, their lordships would put into the hands of the Roman Catholics those arms which were now in the hands of the Protestants; in other words, that in point of power as well as right, the Roman Catholics would be made, not the equals, but the superiors of the Protestants. It was to be presumed that the noble lord thought they were at present sufficiently strong in arms, since he supposed that by this vote they would be made still stronger. Now, he came to an exactly opposite conclusion; for he believed, that the greatest danger would be in refusing any concessions to the Roman Catholics, as he had no doubt that by that refusal the strength of the Roman Catholics would be materially increased, and the power of the arms which they had in their hands would be proportionably augmented. Their lordships had been told by the noble lord, as well as by others, that the Roman Catholic religion remained unchanged. He should be glad to know who denied the proposition? It was in fact, the boast of the Roman Catholics, that their church had remained unchanged. Their lordships had, no doubt, often amused themselves with reading that avowal, in one of the first poets of the country, who had described that church as—

"A milk white hind, immortal and unchanged;"

and he should like to know what follower of any church did not make the same declaration with respect to his church. Who was it that did not say that his church was unchanged; at the same time who was it that would like to be tied down by the precedents afforded by the members of his own church, one or two hundred years before he came into existence? The doctrines of the church were unchanged, but the conduct of its members was altered by the progress of events, and kept pace with the changes of the times. He believed that neither the Church of England, nor that of Scotland, though each would wish it to be believed that it had remained unchanged, would like to have its present conduct tried, or its present rights regulated, by the test of the conduct of its first members.—One of the arguments that had been resorted to was that of a divided allegiance. Now, he must frankly confess, that he was not competent to understand distinctly what was meant by that doctrine; but speaking with the highest possible respect for those right rev. prelates who had used it, he must say, that he wished they would have explained what was meant by the word allegiance. If the doctrine which Tillotson held on allegiance did not establish a divided allegiance against the Church of England, he should like to know what the allegiance of the Church of England was. He knew that, in the opinion of no inconsiderable body of the Church of England,—he admitted that though not inconsiderable it was still a minority, but a minority which contained in its ranks archbishop Sancroft and other men equally conscientious and respectable,—he knew, he repeated, that in the time of James 2nd, Tillotson was considered by no small body of the Church of England to have supported the doctrine of a divided allegiance. Which of the two parties maintained a true allegiance he would not pretend to say; but, after all the argument which had passed upon the subject within the Church of England, he thought that the Roman Catholics throughout this realm had a fair ground to contend, that their allegiance was as full and entire as that of the Church of England. He knew, too, that instances could be found in the history of the country, in which Protestants had not been more loyal to the Crown than Roman Catholics, and that even in the reign of Charles 2nd, when many of those disqualifying statutes were passed, there were many Protestants whose allegiance to the monarch was not half so pure as that of the Catholics whom they attacked and calumniated.—It had been denied, in strong terms, on the other side of the House, that the granting of the Catholic claims would produce tranquillity in Ireland. Now, that denial was a work of supererogation, for none of the advocates of emancipation had ever contended that that measure alone would produce it. He should be doing great injustice to the arguments of the noble marquis who brought this subject before the House, if he were to repeat them for the purpose of showing, by reference to the evidence taken by the committee which inquired into the state of Ireland, that whatever matter was brought forward as a grievance to Ireland resolved itself at last into the question of Catholic emancipation. They had been told in glowing colours, of the great power which the Roman Catholic priesthood had acquired of late years over the population of Ireland, and they had heard much of the manner in which it was exerted at the last election. He did not deny either the existence or the use of that power. But, to what did it amount? To nothing more than a proof that the priesthood was in possession of influence if it chose to exert it. Let their lordships, then, consider, whether the evil arising from that influence could not in some degree be remedied; and first, how it had arisen. He believed that the influence of the priesthood arose from the distrust which was shown of them by the government of England in 1793, when a deputation of Roman Catholics was sent over from Ireland to see whether they could obtain its consent to the concession of their claims. That deputation was sent over to England to ask, that Catholic freeholders, having an income of 20*l.* a year from their lands, should be admitted to the enjoyment of the elective franchise. How was that request received? Was it granted? Not exactly. The government said, "No, you shall not have that for which you ask, but you shall have something more; we will open the elective franchise to your forty-shilling freeholders." On what principle, he would ask, was this boon granted to them? We should suppose that nothing but liberality could actuate the minds of those who gave such an answer; but he was afraid that very different motives were at the bottom of their conduct. It was to enable them to make voters of a set of miserable wretches, whom they thought they could drive to the poll like pigs to the market, and could make vote as they pleased for the Protestant interest; whereas such an object would be for ever impracticable, if they made votes of none but Catholic yeomen and gentry. If, then, in the course of time, the influence over these miserable voters had fallen into the hands of the Roman Catholic priesthood, who were the persons whom they ought to thank for it? He would not point them out by name; but this he would say, that no one could have had the least regard to the liberty of his country, or to the purity of election, on which the liberty of the country depended, who could have given such advice to the government of the day, without thinking of the mischief which it was almost certain to create, if carried into execution. He saw, however, a mode of getting rid of the evil of this system, if the House would consent to enter into the consideration of this measure. Their lordships would, perhaps, recollect, that three years ago, when this proposition was submitted to their consideration, bills were brought into the other House of parliament, one of which was intended to raise the amount of the elective franchise in Ireland. Now, he never would give his consent to such a bill, unless emancipation were first granted to the Catholics; but he was prepared to say, that if emancipation were granted, the respectability of the Roman Catholic priesthood could only be protected by raising the amount of the elective franchise. Those noble lords were mistaken, who conceived the evil of the forty-shilling freeholders to be confined to Ireland; for he was sorry to say, that the example of driving miserable wretches in droves to the polling booths had, since that time, crept also into the practice of this country.—It had been argued that emancipation would be considered by the Catholics only as a step to something more, and that the establishment of a Roman Catholic church in Ireland must follow, to give them any thing like satisfaction. For his own part, he certainly had not heard any thing in the shape of argument, to convince him of the feasibility of such an assertion. He knew that the letters of Dr. Doyle were referred to, as a proof of it, and particularly his letters to lord Farnham. He was aware that in those letters such an intention was pretty plainly declared, and that it was avowed by other individuals who had adopted Dr. Doyle's particular doctrines. But what did that amount to? What man would form his opinion of the real sentiments of the people of Ireland from those expressed by any pamphleteer of the day, or by any noisy brawler at a public meeting? He might have arrived at a wrong conclusion from reading the letters and speeches of Dr. Doyle, but it was his belief that Dr. Doyle would be very sorry if the noble marquis should obtain the concurrence of their lordships to the resolution which he had moved last night. He believed that, if the brawlers of Ireland could irritate the legislature into refusing these concessions, they would deem themselves gainers by such a result. By such a refusal they would gain the power of adding fresh irritation to their countrymen; for they would be ready with this answer for any moderate man, who ventured to reason against their intemperance,—"Look at the parliament of Great Britain, and see what it is ready to do for you."—The noble marquis then proceeded to enter into the consideration of the securities which some persons thought it expedient to demand from the Catholics. Considering the variety of opinions which existed, it appeared difficult to him to lay down how far any securities were necessary. He did not, however, see the difficulties of obtaining them so strongly as others did. What was the fact? They had at that moment several acts of parliament calling the Presbyterian Church of Scotland the Established Church of Scotland, and yet they had also an Episcopal Church in Scotland recognized by law, and for which provision was made by the thirty-third George 3rd. They had an established church in England, and yet they had also recognised by law the existence of a body dissenting from it, when they had made legal enactments respecting the Presbyterian synod of Ulster. Why, then, should they not act upon the same principle in Ireland? Why should they not have a Roman Catholic church of Ireland paid by government, as well as an established church of Ireland? The prelates of the Established Church of Ireland often argued as if they had forgotten that they belonged to an established church. The greatest strength of the established church of Ireland was the act of Union between England and Ireland. He could see no danger to that church, until the members of it forgot, in word or in deed, their alliance with the United States of Great Britain and Ireland. No real danger could assail it, except in the shape of a dissolution of the Union between the two countries. Such an event would tend directly to the injury of the Established Church of England and of Ireland. It appeared to him, that if there was one course more than another, by which it was practicable to give strength to all the virulence which existed in some Roman Catholics, it would be by denying a favourable consideration to the claims of the Roman Catholics.

The Earl of *Haddington* said, he was anxious, upon many accounts, to place on record the opinions which he entertained on this important subject. It had been well observed, by a noble friend, that it was impossible to go at present into any society, without remarking the modified tone in which the opponents of Catholic emancipation now spoke respecting it. Their lordships had been repeatedly told, that it was impossible that things could long remain as they now were; and the course which the debate had taken, led him to hope that a similar feeling pervaded every member of that House. He had observed with satisfaction, that there was not a noble lord, with one single exception, who had not let fall a declaration, that he did not look upon these exclusive laws as irrevocable and immutable. There was another circumstance, in the debate of last night, which made him hope, that a favourable change had taken place in the minds of their lordships since this proposition was last under their discussion; and that was, the silence of many noble lords who, on previous occasions, were most eager to rush into the conflict, and to bring the debate to a sudden close. He thought it was not going too far to say, that it betrayed a disposition not to argue this question in the same point of view as that in which it had been previously argued, and some doubt whether the time was not arrived, in which the justice which had been so long delayed must at length be granted to the Catholics. The noble baron who had spoken from the cross-benches, thought there was no chance of our ever being able to concede their claims to the Roman Catholics; and for this reason that the doctrines of their church were "immortal and unchanged." On that point his noble friend had made the same confusion which had been made, over and over again, by those who advocated his side of the question, in not distinguishing between the general policy of the church, and the spirit in which it was directed at different periods. The noble baron had also argued, that, as in former times, the popes had dispensed with oaths, and as such power had been acknowledged to preside in them by general councils, and as the doctrines of popery never altered, this power of dispensing with oaths must still be considered as forming part of the tenets of the Romish Church.—The noble earl here entered into an examination of the opinion given upon this point by Dr. Doyle, in his evidence taken before the committee appointed to inquire into the State of Ireland, and proved from it, that the authority of the general council, which admitted such dispensing power to exist in the pope, had never been admitted, and never would be admitted, by the church of Ireland. Their lordships would see, from the manner in which Dr. Doyle had given his evidence, that though he was imbued with a strong Catholic spirit, he was not so much the slave of the pope as of that national Catholic spirit, which was not so much derived from the pope as from the harsh enactments of their lordships.—He next entered into an examination of the anti-Christian doctrines often imputed to the Catholics, and showed that they were so monstrous, that if any men had ever acted upon them society could not have existed. Indeed, the very impossibility of carrying such doctrines into effect, was the strongest argument against their existence. A noble friend of his had last night asked their lordships, how they would redeem the pledge they would give to the country, supposing they passed the resolution then before the House. It did not appear to him that they could have much difficulty in redeeming such a pledge. They might redeem it, either by bringing in a bill to relieve the Catholics from the disabilities under which they laboured; or by appointing a committee to examine the laws relating to Roman Catholics, and ordering it to report thereupon to the House, as had been moved, he believed, on a former occasion; or they might redeem it by voting an address of both Houses to his majesty, praying him to give orders to his ministers to bring in a bill to repeal the act which renders all privy councillors who enter into any correspondence with the pope, liable to the penalties of a *præmunire*, and to enter into a concordat with the pope, for the regulation of the Roman Catholic church in these kingdoms.—He was of opinion, that if such an address were voted to his majesty by the two Houses of parliament, they would not find much difficulty in getting the object of their wishes accomplished. The noble baron who had spoken at the opening of that evening's discussion, had alluded to the inconsistency of entertaining a measure which they had discussed and dismissed two years ago. To this his short answer was, that the measure had not been discussed in detail. He maintained, once for all, that the state of affairs in Ireland was such, that no man could expect them to go on. Was it to be supposed that six or seven millions of men, advancing in wealth, intellect, and information, could remain in a state of exclusion from all participation in the privileges of the constitution? The people of Ireland could not—nay, they would not, endure it much longer. He could not understand what was meant by the terms going back, or standing still, as applied to the great mass of the Irish people. If by going back it was meant, that all the privileges hitherto granted to the Irish Catholics ought to be taken from them, the thing was impossible; and, if it was meant that we should stop where we were, and grant them no further concessions, the impossibility was equally evident. He did not pretend to say, that, granting to the Catholics the full enjoyment of the rights which they claimed would at once remedy the evils under which Ireland laboured; but he did say, that it would sow the seeds of tranquillity and happiness.—He had hoped that the objections urged against this measure, on the ground of its being contrary to the Coronation Oath, would not be again heard of. He had every respect and veneration for the memory of his sovereign, who entertained scruples upon that point. But they were bound to look at that Oath as men of common sense, and without any prejudice. His noble friend had told them, that he looked upon any concession of the nature proposed to be a direct violation of the Coronation Oath. Now, what was the nature of the Coronation Oath? The question to the king was—"Will you, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the Protestant Reformed Religion, established by the law? And will you preserve unto the Bishops and Clergy of this Realm, and to the Churches committed to their charge, all such Rights and Privileges as by law do or shall appertain unto them, or any of them?" The answer of the king is—"All this I promise to do." But what was there in this to prevent the emancipation of the Roman Catholics. Surely no man could seriously entertain an apprehension that the emancipation of the Roman Catholics would prevent the king from having the power of protecting the Church and the rights of the clergy as at present established. If granting privileges to persons professing other religions than that of the Established Church was a violation of the Coronation Oath, then had it been already violated: it had been violated by the concessions to the Roman Catholics; it had been violated by the *Regium Donum*, and by many similar acts on the part of the Crown. Surely if the peace of Ireland depended upon this measure, it was too much, to say that all these objects must be frustrated because some doubts were entertained as to the meaning of the Coronation Oath. But some noble lords said, that the Coronation Oath, though not directly, was indirectly, opposed to the Roman Catholic claims, and ought therefore to be equally a bar to the granting of those claims. This he held to be very unfair. He was anxious, before he concluded, to advert to one part of the address of the right rev. prelate who spoke the third of his order last night. The right rev. prelate had commented with great severity upon the conduct of Dr. Doyle. He would take the liberty of suggesting to the right rev. prelate, that a great question like the one under consideration was not to be decided by a reference to the opinions and arguments of this or that individual. The success of a good cause was not to be retarded because one of its supporters was indiscreet enough to fulminate his wrath against all who differed in opinion with him. He had no intention of defending Dr. Doyle. Indeed, he believed that that individual had done a monstrous deal of mischief. It should, however, be recollected, that Dr. Doyle was not the only angry person who had written on the question. He was not the only member of the only church that had entered into the discussion under the influence of warm feelings. He was of opinion, that it was unwise to bring into the discussion of this question angry theological passions, and instead of endeavouring to conciliate, to go about trying to make converts of one another. Dr. Doyle, perhaps, had been engaged in some such controversy as this. Probably some eloquent and learned person might have told the doctor, that if there was a religion without a church, there might be a church without a religion. Who would venture to say, that Dr. Doyle did not, under excited feelings, set himself down to revenge himself by the publication of inflammatory matter? But all this arose out of the existing system in Ireland. They had only to change that system, and they would at once put an end to those evils. Let them redress the grievances now complained of, and they would render Dr. Doyle powerless. Let them remove the disabilities now existing, and he cared not a fig for Dr. Doyle and his theology. But let their lordships consider the power they placed in the hands of such men, by the present system of disability and exclusion. Dr. Doyle might now write or preach about the history of his religion—he might describe how it had been broken in upon by the Reformation—he might talk of the pains and penalties inflicted upon the adherents of that religion, and he might with truth refer to his own country for the fruits of those measures. He might tell his hearers or his readers, that this was the only country in the world in which such persecutions were kept up upon the ground of religious opinions. Let their lordships but remove the grounds of complaint, and they would deprive Dr. Doyle of his sting. He submitted to their lordships that the Established Church in Ireland would not be less secure from the granting of the Catholic claims. They were bound to let the people of Ireland know that a man of character and talents was not to be barred in his pursuit of fame and fortune because he did not belong to the Established Church. It was unjust to turn upon persons of the Roman Catholic religion and say, "We know you have talents; we know the respectability of your station in life, but still we cannot trust you; we look upon you as a parcel of rogues in whom no confidence can be placed, because of your religion." Let it once be known in Ireland, that it was no longer considered necessary to the preservation of the Established Church that all young men of aspiring character and honourable ambition should be barred in every career of life—that they could not sit on the bench or in the legislature, or in the councils of their sovereign, although they might lead his armies to victory in the field, and that, too, on account of their religion—let but this be known, and all ideas of danger to the Establishment would vanish. Could any church which stood upon such a defence as the system of exclusion to which he had just adverted be secure? Could a church which numbered amongst its adherents only a thirteenth part of the population, be maintained in safety, whilst the rest of the people were treated as sojourners, strangers, exiles in their own land?—There was but one point more to which he would advert. A noble marquis had last night stated, that he would consent to grant the Catholics emancipation, if the appointment of the Catholic bishops were vested in the Crown. He had heard that declaration with pleasure. Another noble lord had declared that he would not act under the influence of fear. It appeared to him, that the noble lord, had attached too much importance to the vapouring of the very silly people in the Catholic Association. The people in the Catholic Association bullied, and then noble lords said they would not grant what was demanded, lest it should be supposed that they acted under the influence of fear. Now, that was in fact acknowledging the influence of the demagogues whom they affected to despise. He should be much mistaken if, in the course of a very few years, all persons did not unite in looking back with wonder at all the representations of danger which were now made.

The Bishop of *Bath and Wells* said, he could not give a silent vote on the present question, the rather as it appeared to him that the real merits of the case lay in a small compass. There were two points to be ascertained by their lordships—these were, first, whether or not the Roman Catholics had any just right or claim to what was now demanded; and next, if they had not such a right, whether we were called upon, on any principle of justice or expediency, to grant the privileges which they sought. There was a manifest difference between political and religious toleration: religious toleration had reference to the intercourse subsisting between the creature and his Creator—political toleration respected the intercourse between man and man. It would be a needless waste of their lordships' time to attempt to prove that the Roman Catholics were in possession of complete and unqualified religious toleration: suffice it to say, that Roman Catholic places of worship were recognized by the law, and every one was at liberty to worship God as his reason and his conscience might direct. But it would be said why was not political toleration equally conceded to the Catholics with that which had been extended to the exercise of their religion? And why were not the professors of different religious beliefs equally admissible to all places of civil trust, emolument, and dignity in the state? This was the question on which their lordships were now called to deliberate. If they looked back to a remote period of our history, from the first faint dawn of the Reformation up to the glorious period of the Revolution (a period at which were established the religion and liberty of the country, on a foundation which he hoped might prove a rock of ages), they would find that the Protestant Church had ever been the parent of liberty, peace, and happiness; but, on the contrary, that whenever the nation had relapsed into popery, civil contention, discord, and animosity, had invariably followed. But it might be said, "the Roman Catholics of the present day differ exceedingly from those of preceding times." He was quite ready to give all the commendation which they deserved to the high talents and acquirements of many distinguished persons of the Roman Catholic persuasion; but at the same time he must express his fixed and decided opinion, that the state of the Roman Catholic Church was the same now as it had formerly been. Of that church, it was one of the boasts that she always remained the same—*semper eadem*—unaltered and unalterable. Whatever distinguished members of the Roman Catholic Church might feel inclined to do, such power did that church claim to exercise over the minds of her disciples, that they were frequently unable to effect it if it were only supposed to be in opposition to her interests. During Mr. Pitt's administration, persons were sent abroad to collect the opinions of the foreign Catholic Universities with respect to certain points connected with the supposed political influence of the pope. The answers of the universities were favourable, indeed all that a Protestant State could desire. The most distinguished Roman Catholics came forward with a protest and declaration on the same subject, in which they announced their opinion on the question, in a manner so clear and satisfactory, as to set at rest the doubts of the most timid. But at this time three Vicars Apostolic came forward and said, that the people had nothing to do with the regulations of the church, or the power of the pope; and the consequence of this declaration was, that the petition of the Roman Catholics, previously laid before parliament, was withdrawn. It had been said, that to grant Roman Catholic Emancipation was the grand remedy for all the evils of Ireland, but he was afraid that such was not the case. He was not insensible to the evils under which Ireland was groaning; but the sources of those evils were to be found in the want of employment—in the want of those established relations of society, without which no country could be great or happy—in the want of a resident respectable gentry. If the people of Ireland were at a loss to discover the source of their miseries, they would receive a complete and conclusive answer in the word "absentees." If an absentee were to inquire of him, who was the cause of the sufferings of Ireland, he would say at once to such a person as Nathan did unto David, "Thou art the man." Feeling as he did for the sufferings of that country, he would be most happy, if a committee were appointed, to take into consideration, early in the ensuing session, the state of Ireland. He for one would be most ready to devote all the energies of his mind to provide remedies for the sufferings under which that people laboured, and to remove the causes of the evils which desolated that unhappy country. One question of great delicacy had been brought forward on the present discussion. He alluded to the Coronation Oath. He fully agreed with the eminent moralist who contended, that an oath was to be received *animus imponentis*, and not *animus suscipientis*. The question entirely was as to the intention of the oath. If the eminent statesmen by whom that oath was framed could have supposed that, in a subsequent age, other eminent statesmen might doubt as to the sense in which the words were to be taken, they assuredly would have so framed it as to leave no doubt that those who stood forward to advocate what was called emancipation fell into the grossest error, with respect to the interpretation of the oath in question. Much had been said respecting the march of intellect; but if the distinguished men by whom that oath was framed could listen to the debates of that House, they would consider that the human intellect had made very little progress since their day. In the honest discharge of his duty, he had felt it necessary to declare his opinions on this question. He trusted that no noble lords would declare them to be the result of bigotry and intolerance. No person could be more anxious than he was to promote the happiness of Ireland; but he conscientiously believed that the granting of unlimited legislative power to the Catholics would be sowing the seeds of discord, that would spread over the land for ages, and that the sun of England's glory would be set for ever [hear].

The Earl of *Falmouth* said, he believed that the feeling of the Catholic body generally was in unison with that displayed in the Catholic Association, and in direct hostility to the established church. If he had not seriously considered the question, his judgment might, perhaps, have been influenced by the eloquence of the noble marquis who had advocated their lordships' assent to the resolution. He had attended the discussions of the question in that House from 1808 to the present day, and had read most of the pamphlets written with respect to it, including the most recent by Mr. Gally Knight, and the strange proposition of Mr. Wilmot Horton. With these arguments before him, and with the passing events of the day to illustrate them, he must declare, that so far from his opinions having undergone any change, they were more rivetted and confirmed. The noble marquis who brought forward the motion had quoted the example of foreign states in which the Catholics were admitted to political power; but he had failed to show, that those examples were applicable to our peculiar constitution. With respect to the only state whose constitution bore any affinity to that of Great Britain, he had failed to prove the antiquity of the practice which he recommended the adoption of. The constitution of Holland was framed only in 1815, and was only just completed. Many of the omissions of the noble marquis had, however, been ably supplied by the noble president of the council. In most of the continental countries to which the noble marquis had referred, the governments were purely despotic, and therefore bore no analogy to that of England. There was no resemblance, in any of the constitutions of the countries alluded to by the noble marquis, to those peculiarities in the British constitution, which had heretofore been considered our greatest blessings, but which were now, it seemed, to be trod under foot by what was called the "march of intellect." The wisdom of our ancestors at the time of the Revolution—of those ancestors whom no "march of intellect" should ever teach him to believe were not amongst the wisest statesmen and lawyers that graced this country—the wisdom of our ancestors brought them to this conclusion, that so long as Roman Catholics and Protestants were joined in political power in this country, so long could there be no security for the public peace, and the stability of the Established Church. It was not lightly that they came to that conclusion. They were guided by the experience of ages, which was written on their records in a deluge of blood. They saw that they had a great work to achieve; they determined to achieve it; and they did achieve it, wisely, cautiously, and, as they thought, irrevocably. Would their lordships now undo what their ancestors had done? That was the real question, for they could not admit the Catholics to political power without interfering with the very essence of those principles, which formed the groundwork of the glorious Revolution. Our ancestors had framed a constitution of a peculiar nature, with which, he would assert, the constitution of no foreign state could be compared. What was their reason for excluding Catholics from seats in the parliament and from political power? The reason was, that, having determined that the Crown should be Protestant, they found it impossible to provide any security for its continuing so, unless they determined that the Houses of Lords and Commons should be Protestant also. A great part of the reasoning which was advanced in favour of what were called the rights of the Catholics to political power, applied to the situation in which the Crown was placed with respect to the question. On this point he must express his extreme regret, that a royal duke, not now in his place, had last night declared his intention to support the resolution. He would take the liberty of reading some passages from a communication which he had received, in common perhaps with many others, and which professed to be copied from the "Leeds Intelligencer" of the 22nd of May last. The extracts were as follows:—

"In taking this step, the best security possible for the attainment of the great object in view—a constitution wholly Protestant—was effected: the title of the sovereign and all his future successors was made contingent upon their being Protestants; implying, of necessity, that they would, to preserve a title depending on this express and sole condition, rigidly maintain the exclusive Protestantism of the two Houses of Parliament, and of all the great offices of state. Impressed with a profound conviction of this constitutional truth, the earl of Liverpool, in discussing the Roman Catholic question in 1825, declared, in the House of Lords, that if they granted the present demands of the papists, it would be impossible, because absurd, afterwards to exclude an heir apparent from the throne, if he should happen to be a Roman Catholic. And what is the natural inference from this position? That the Protestantism of the monarch, being no longer requisite, the reason for withholding the crown from the nearest heir of the Stuarts now alive is abolished! And what said sir F. Burdett in his last speech on the Catholic question, as quoting an old and acknowledged dictum of English law? "*Cessante ratione cessit ipsa et lex.*" The principle of danger, or rather of civil war and anarchy thus inherent in conceding the claims of the papists, is one which it has always been a primary object with British lawgivers to guard against."

"It may be proper to add to the above bases of our present Protestant constitution, that, in consequence of the failure of issue, both from William and Mary, and particularly from Anne, by the death of her son, the Act of Settlement, transferring the Crown to the House of Hanover, was passed in the 12th and 13th of William 3rd. This Act of Settlement expressly recited and re-enacted the Bill of Rights, already mentioned, in every particular; pledged the lords spiritual and temporal and commons, 'in the name of all the people of this realm, most humbly and faithfully to submit themselves and their posterities' to the 'most excellent princess Sophia, electress and duchess dowager of Hanover, and the heirs of her body, being Protestants;' and on this condition, further pledged themselves 'to stand, to maintain, and defend, the said princess Sophia and her heirs, against all persons whatsoever, with their lives and estates.' While, however, the Act of Settlement was in progress, a most remarkable circumstance occurred, the whole importance of which arises from the very fact of the direct descendants of James 2nd being extinct by the death of cardinal York. The following passage is from Smollett's History of England, vol. i. p. 401:—

Sec. 45. The Act of Succession gave umbrage to all the popish princes who were more nearly related to the Crown than this lady (the princess Sophia), whom the parliament had preferred to all others. The duchess of Savoy, granddaughter to king Charles 1st, by her mother, ordered her ambassador, count Maffei, to make a protestation to the parliament of England, in her name, against all resolutions and decisions contrary to her title, as sole daughter to the princess Henrietta, next in succession to the Crown of England, after king William and the princess Anne of Denmark. Two copies of this protest Maffei sent in letters to the Lord Keeper and the Speaker of the Lower House, by two of his gentlemen, and a public notary to attest the delivery; but no notice was taken of the declaration. The duke of Savoy, while his minister was thus employed in England, engaged in an alliance with the crowns of France and Spain, on condition that his Catholic majesty should espouse his youngest daughter without a dowry.

"All that we shall observe upon this protest is, that the present duchess of Modena, united by her husband with the imperial family of Austria, is the next living descendant of the above duchess of Savoy, and that, on the failure of issue from her, the present dauphin of France succeeds to all the hereditary rights of those princesses! Will any Englishman, with this frightful view of the effects of granting the popish 'claims' before his eyes, be bold enough to say that he will 'pass the Rubicon?'"

He would not trespass on the time of the House, by commenting on what he had read, but, had the royal duke been present, he would have directed his attention to the circumstance that already, upon the mere chance of what was called Catholic emancipation being granted, men's minds have begun to entertain such topics. He was quite sure that the royal duke would not suppose that he read these extracts from any feeling of disrespect to him; his attachment to the royal family was too well known to render it necessary for him to say one word more on that point. He might perhaps be ranked amongst those persons whom it was the fashion to decry as the opposers of all alterations, even though those alterations should be evident improvements. He was willing to further any improvement, but he would proceed cautiously, and would not begin by interfering with the fundamental principles of the constitution. If experiments must be tried, let them be made upon the sources of our national wealth, on agriculture, on trade, and on commerce. Let them cripple the farmer if they pleased, when they most wanted his capital and exertions to relieve them from their superabundant poor. They might do all this, encouraged by the events of 1825; and after all the bleeding and doctoring, the country might survive. But once waste the life blood of the country by violating the principles of the constitution, and she never could survive. By granting emancipation, we should only incur danger without remedying any evil. Under a moderate and wise Protestant government, under a Protestant lord-lieutenant, and a Protestant secretary, he had no doubt that Ireland might yet prosper. The advocates of emancipation said, that the benefits which they anticipated from it must be the work of time. He would say, "give us time, and we will do without emancipation." In the mean time, put down agitators; let the law be administered impartially, temperately, and firmly. If that were done, and England survived the experiments she was now undergoing, both countries would, he believed, ultimately prosper; but if the vital principles of the constitution were invaded, the decline of the empire would be as rapid as her prosperity had been progressively increasing.

The Duke of *Sussex* said, he was anxious to notice what had fallen from the noble lord who spoke last. Being himself a member of the royal family, who held their situation in this country upon the principles which the noble lord had just expressed, he fully accorded in the justice of those principles; but the noble lord would allow him to say, that while he admitted them in the fullest extent, he differed from him widely as to the measures by which they were to be supported and advanced. He was anxious not to give a silent vote upon the motion, because he still entertained the same opinions upon the subject, which had always impressed his mind. He would not presume to take up the time of their lordships by proving what they would all admit, that the civil advantages of our incomparable constitution belonged equally to every member of the state. They were called the civil privileges, the birth-right of Englishmen, in those acts wherein they were recognized and secured to the subjects of this realm. In the Bill of Rights, and in the Declaration which was presented to the Prince of Orange afterwards in parliament, they were solemnly claimed on the part of the people by their representatives, and the Declaration concluded with these remarkable words—"And we claim, demand, and insist on all these, our indubitable rights," which were accordingly recognized, and acknowledged as the ancient and undoubted rights of the subject. He was well aware, from consulting history, that there were situations in which the laws of the country and the rights of the subject might be suspended, in order to provide for the security of the state, and that such suspension might be extended to whole classes from whom danger was apprehended to the constitution. But it was only in cases where their principles were hostile that the government was armed with such a power; and it was always to be remembered, that the exclusion of whole classes was an obnoxious act, which should only be resorted to in extreme cases. They were in their very nature temporary; for, in a country like this, where civil servitude was unknown, they should cease to exist the moment that the causes from which they arose had ceased to operate. It was a maxim of law, that every unnecessary restriction upon the rights of the subject, whether it originated with the monarch or with popular assemblies, was the beginning of tyranny. Even laws, however formally passed, if enacted without due regard to the freedom and happiness of the community, were acts of oppression; and Paley himself had said, that it was not the rigour but the inexpediency of the acts and laws of men that constituted tyranny.—Looking, therefore, at the circumstances of the present times, with reference to their bearing on the cause of the Roman Catholics, he could not but feel, that the disabilities under which they laboured were unnecessarily and unjustly protracted beyond the period when it would have been possible to defend them. They might have been necessary at the time they were first imposed, but the question for their lordships to determine was, whether they were necessary now. Many of the acts which operated against the Catholics at present had been passed in Catholic times and by Catholic parliaments,—a pretty clear proof, that these Catholic peers and gentlemen were not of so bending a character as was apprehended by some, when they supposed that the constitution was in danger from the machinations of any faction. The act of *præmunire* was one of them. It had been passed at a time when there was great jealousy of the pope, and of the influence of the priesthood generally in this country. Knowledge is power, and at that period knowledge was chiefly confined to the priesthood, who consisted mostly of foreigners, or of individuals who sprung from the very lowest of the people. Parliament was therefore cautious of the power that was lodged in such hands, until they found individuals of their own class sufficiently enlightened to oppose a counteracting influence to the danger. In the times of which he spoke there was not that facility of communication with the continent, which now existed, there was not the same means of interchanging thoughts by letter; trade was scarcely then in existence, or if in existence, was treated with obloquy and contempt; the power of the press was unknown, that power of which the whole world stood in awe—the dread of tyrants, the guardian of the oppressed. In those dark ages it was not to be wondered at that bigotry, which reposed on the bosom of ignorance, should assert a dominion that would be denied to her in happier times. But, had they any reason to fear Papal ascendancy at the present moment? Was there any thing in the complexion of the present hour to mislead the most timid into an apprehension of danger from the see of Rome? Some noble lords appeared panic-struck at the march of intellect. For his own part, he regarded it with pleasure and admiration. He saw nothing to dread from the diffusion of light and knowledge. On the contrary, he saw every thing to hope. If the lower orders became more intelligent, they would not become worse subjects of a good government; and the higher orders, instead of being eclipsed by the change, would go on increasing in attainments also, and still preserve their station, in the general march of knowledge and improvement. In referring to past times, he would remind their lordships of the lamentable scenes which took place during the reigns of Edward 6th, and James 1st, when the fury of different sects of Christians broke out against each other, and Anabaptists and Arians were butchered in the streets, for the honour and glory of a religion which inculcated mercy upon all men. But now there was no such spirit. A change had taken place in the minds of men which banished the apprehension of such scenes for ever. Every nation of the continent, with the exception of Spain and Portugal, had imbibed more liberal sentiments, and the seal was put to the last great act of religious liberty at the Congress of Vienna, upon which he could not help congratulating the noble duke at the head of the government,—an act, by which all classes of Christians were secured in the exercise of their religion, throughout the different nations of Europe. And would this country, the refuge of those who fled from religious persecution, refuse to follow up those principles which had made her the glory and the envy of Europe, and had placed her on an eminence, which might be considered one of those divine remunerations that sometimes rewarded virtue? He had heard many people ask, what securities are you prepared to give? He would answer that question by asking another,—are you prepared to grant the measure, before you ask me for securities? It struck him, that the Catholics were in the situation of a man who was asked by another, what he would give with his daughter. If any one asked him, what he meant to give with his daughter, he would say to him, "Tell me first if you mean to take my daughter, for if you do not, I will not tell you what I mean to give with her." Upon the same ground he would say to those who asked for securities, first tell me whether you will grant the measure. If, having granted the measure, parliament should think fit to accompany it with certain conditions in the shape of securities, he did not think it likely that the Roman Catholics would refuse to recognize them.—He would now beg leave to refer to an expression which had fallen from a right reverend prelate when the question of the Test and Corporation acts was before the House. That right rev. prelate had said, that if securities could be made effectual, he saw no reason why the Catholic question should not be granted. He hoped the right rev. prelate would give them the benefit of that observation, in the course of the present debate, Looking, the other day, to the history of one of those acts of relief passed at various times by the legislature, he saw, from the act of 1793, which was strongly opposed by Dr. Duigenan, that the oaths to be taken by Roman Catholics on their appointment to any office, were the same, with one exception, as those taken by Dissenters. If, as was sometimes asserted, they did not believe Catholics on their oaths, they had no right to impose any. And if Catholics were capable of breaking their oaths, they had only to take whatever oaths were required, and in that way get rid of the disabilities. But the charge was an unjust one, as their exclusion proved. At the period when the act of Union with Scotland was passed, there was this qualification introduced into the oath affecting Catholics—"until parliament shall devise otherwise;" a qualification which clearly recognised the power of parliament to alter the existing law. The revisal of the Coronation Oath in 1688, was another recognition of the power of parliament over such oaths. He said this, though he was aware that a different opinion was entertained by one who had been ever dear to him. Even the respect and affection which he felt for the memory of that revered relative, whose eyes he had assisted to close, could not alter his sentiments with respect to the subject. He wished to do every justice to the conscientious motives of his departed relative; but he had a duty himself to perform, a duty to his country, to himself, and to his Maker, and that duty imposed upon him the necessity of stating his opinion without hesitation or disguise. He had never discussed the question before the House but upon constitutional principles; he had never canvassed any individual on the subject, though he felt that if he found one travelling on the same road with himself, he had a right to join that traveller, and to afford him his assistance on the journey. The time would come—and he thought it was not far distant—when the House would concur in the propriety of granting what the Catholics asked. They must either go on, or go back. To go back would be destruction. A noble lord had talked of experience. They had the experience of twenty-eight years since the Union. And what kind of Union had they? a Union but in name. And what constitution had they in Ireland? a constitution but in name.—My lords (said his royal highness), I am afraid to say all that I think upon this important subject; but this I know, that if you had not thirty thousand troops, and five thousand police to keep Ireland quiet, the government of that country could not go on; and then you talk of the advantages which Ireland enjoys under the British constitution. My lords, I have felt it my duty to tell you candidly and manfully my opinion on this subject. I have a great respect for the noble lord who recommended making further experiments upon it; but I do not like the system of experiment-trying. Among the phantoms which have been conjured up in opposition to the claims of the Catholics is, that if they obtained them, they would demand the restitution of the confiscated property of their ancestors. As a proof of the fallacy of any such supposition, I need only refer to the evidence given by Mr. O'Connell before your lordships' committee, who declared that he had himself bought some of that confiscated property; which of course he should not have done, had the possibility of its ever being reclaimed ever entered his head. So, my lords, with the tithes. It is argued, that if we grant the Catholics their claims, they will demand the abolition of tithes; and this is said by those who forget that it is with tithes as with game, and that farms are taken with the full knowledge, on the part of the tenant, that the one is to be paid, and the other preserved.—I will trouble your lordships no further. I am perfectly convinced that something must soon be done. This very discussion will do great good. With the exception of one case, in which a right rev. prelate called Moses, Joshua, and Isaiah, to fight the Virgin Mary, the question has been very temperately discussed; and I feel especially bound to thank the right rev. bench for the tone which they have maintained upon it—a tone consistent with the dignity of their high stations, and calculated to confirm the feelings of respect and affection, which we cherish towards them.

The *Lord Chancellor* said, he wished at that early period of the debate to state the precise grounds upon which he felt himself bound to oppose the motion. He concurred with the royal duke who had just sat down, in approving of the tone and temper in which the discussion had been conducted—a tone and temper adapted as well to the dignity of that House as to the great importance of the occasion. If that had been the first time the question had been brought forward, he might, perhaps, have been disposed to vote for it. The noble marquis had proposed an inquiry, with a view to further concessions; but when he recollected that, for the last five-and-twenty years, the same subject had been agitated again and again in parliament—when he recollected that it had engaged the attention of the ablest men of the age—that propositions had been submitted successively to parliament which had successively failed, he could not make up his mind to vote for a proposition, from which he could not hope for any satisfactory result. If, as he could not but anticipate, the measure, to which an inquiry was a preparatory step, should be rejected, it would lead to a feeling of exasperation on the part of the Roman Catholics, which every consideration should induce the legislature to avoid. He knew too much of this country, and of the sentiments of its Protestant population, not to be aware, that a measure of concession to the Catholics would be received with the greatest alarm, and would probably lead to consequences the most fatal and destructive.

He would remind their lordships of the progress of that question. In 1813, a bill had been introduced into the other House, to accomplish the objects of the noble marquis's motion. That bill had been framed by a man of great intelligence, a man well acquainted with Ireland, and was supported by his right hon. and learned friend with the whole force of his power, sagacity, and eloquence. It was also supported by the experience and knowledge of his noble and learned friend (lord Plunkett) whom he was happy to see sitting amongst them that night, and received much assistance, in its details, from the experience of a conveyancer of great legal acuteness. It was supported by the brilliant talents of Mr. Grattan, by the transcendant eloquence of his noble and learned friend to whom he had before alluded; and all these great authorities had expressed themselves so strongly while it was in progress, that if the Catholics refused to accept of the bill, they gave it to be understood that they could not feel themselves justified in supporting their cause any longer. The bill thus framed and supported, went through two stages. It was coupled with securities of such a nature as the Protestants of this country had a right to expect. But, no sooner was it known to the Catholic hierarchy and priesthood of Ireland, than they opposed it with all their influence; they pronounced it a pernicious and destructive measure, they declared that the clergy would rather be led to the scaffold than submit to the conditions with which it was accompanied; and Mr. O'Connell had stated, that if it passed, the consequence would be a destructive and bloody insurrection throughout Ireland. Why then, when he saw so much talent, so much knowledge, so much wisdom, employed in framing a particular measure of relief—a measure which they thought the best adapted to its object—a measure which they pledged their characters to support—when he saw the manner of its reception, and the history of its fate, he despaired of the power of parliament to concert any specific enactment, capable of affording satisfaction to all parties.

The next measure was brought forward by his noble and learned friend. It had passed the other House of parliament; but on its introduction into their lordships' House, though it never passed into a committee, its provisions were discussed on the second reading, every part of it was canvassed; and he well remembered the speech of his noble and learned friend (lord Eldon), who applied himself to the different clauses with the most acute and laborious particularity. He was sure that his noble and learned friend on the other side would allow, with his usual candour, that the provisions of that bill were not satisfactory.—He next came to the bill of 1825, which was brought forward by his lamented friend, Mr. Canning. No sooner was it known in Ireland, that such a bill was introduced, than the same opposition, the same indignation, the same spirit of disdainful and furious resistance was manifested against it, as had marked the career of the first bill. When that bill came up to their lordships' House, it was found to contain a show of security, but nothing substantial. After the fate of those three bills, he could expect nothing from the present motion; and if nothing was to follow from the inquiry, Ireland would again be exasperated, and great apprehension and alarm would fall upon the Protestant part of the community.

He would now allude to a question which had been put by a noble lord, respecting the Revolution of 1688. The noble lord had asked, why that question was always coupled with the period of the Revolution; and he seemed desirous of carrying the establishment of the Protestant constitution of England to an earlier and less popular period. The fact was, that before the Revolution the Catholics were held in check by the spirit of puritanism. When that passed away, on the restoration of Charles 2nd, who was justly suspected of favouring the Catholics, the Test act was passed; by which they, as well as the Dissenters, were excluded from office. They had been excluded from parliament before, by the indirect operation of other acts; but it was by the twenty-fifth of Charles 2nd that they were excluded from office, and by the thirtieth of the same reign that they were directly excluded from that House and from parliament altogether. James 2nd was known to be a Papist; and his devotion to the cause had led to the Revolution, which led to the establishment of the Protestant constitution as it now existed. The celebrated Declaration issued by William detailed the laws by which Catholics were excluded from parliament and from office, and the various provisions of the Test act; and after stating the attempts which were made to evade those laws, described the great object for which he came, to be the enforcement of the execution of those laws, the preservation of the liberties of the country, and the establishment of the Protestant faith. A meeting of the lords and commons took place; a convention was assembled, when these laws were again considered, and declared to be a part of the constitution. Up to that period it was clear, that though Catholics were excluded from parliament and from office, they were not excluded from the Crown. But then a preamble was attached to the Bill of Rights itself, declaring that, from that period, the Crown should be held only by a Protestant. Then it was, that the Protestant government was, for the first time, established. So that there never was a complete establishment and Union of a Protestant Church and a Protestant State until the Revolution.

He would next allude to the Coronation Oath, not to show that it stood in the way of any legislative provision, but to show that the constitution was strictly Protestant. Those who had framed that constitution were amongst the greatest statesmen and lawyers that this country had ever produced. Under that system we had long lived happy, illustrious, and powerful; and though he did not say that it should never be altered, he would say that it ought not to be altered without full demonstration of the necessity of change. In twelve years after, a new settlement of the Crown took place: the new settlement was of the same character—it confirmed the same acts. At the period of the Union with Scotland, there was another confirmation of the same system. Thus he had answered the questions of the noble earl, and thus he had proved to the House, that a Protestant Church and a Protestant government, were not completed until the period of the Revolution. What change had taken place in the position or condition of Ireland, which required that the conduct of this country should be altered towards the Catholics of Ireland? Perhaps it would be said, that they were now in the hands of persons of a temper not to suffer Ireland to be trifled with. It was too true there were persons in Ireland exercising a sway and authority which was altogether unknown to the constitution, and little relished by the Protestants of this country or of Ireland. They demanded, for the Catholics of Ireland, admission to seats in this Protestant House, they demanded admission to offices of state, rendering thereby this House no longer a Protestant House of peers, and the government itself no longer a Protestant government: but a mixed House of peers, and a mixed government, part Catholic, part Protestant. Times, however, and circumstances had changed [Cheers from the Opposition bench]. From whatever quarter those cheers proceeded, he would answer the appeal by reminding those noble lords, that when the question was first agitated Ireland had its own parliament; and it was notorious that the influence of a few, a very few, individuals returned the whole Commons of Ireland. The case was now widely different; the power had changed hands, and the elective franchise, in almost all cases, was vested in the Catholic body. Indeed, that they were aware, and even boasted, of that over-powering influence in the State, was but too obvious from the tone their orators and publications assumed. In his opinion, and exercising the best judgment he could on the subject of their demands, he did not think that making the concessions now demanded would have the effect of tranquillizing a country so circumstanced as Ireland. He had remarked, that for the last seven years, the priesthood and the Catholic hierarchy had so increased its influence and authority, that it now exercised a more unrestricted control, than ever it had exercised in preceding periods of our history. This influence would be only confirmed and strengthened, if the concessions demanded by the Catholic body were now obtained. Such was that influence, that arbitrary control, exercised over the whole of the Catholic body even now, that no one dared to raise his voice against the sway exercised by the priesthood. Not even Mr. O'Connell, whose influence amongst that body had occasioned him to be considered the leader and demagogue of the party, could raise his voice with impunity against their fiat. If this great advocate of their cause dared to raise his voice against the sway so exercised, or trenched on the privileges or power of the Catholic priesthood, he was called to a strict account, compelled to prostrate his opinions and himself, with all his weight of popularity, before this potent body of men, and to sign an open recantation of his error. As long as this religion continued to be the religion of Ireland, it was vain to expect that any efforts of this nature could succeed in composing that agitated country. And, would it be right under such a state of things to grant to the Catholics of Ireland that species of concession which was, in fact, substantial power? Look at the situation in which the question stood! The population of Ireland was, although nearly seven millions of souls, almost altogether Catholics; these were led by a band of active, sanguine, ambitious men, exercising a sway over the public mind, and over individuals themselves, not recognised by or connected with the state, and, happily for the interests of this country, hitherto unexampled. It was an evil out of which we were bound, some how or other, to extricate ourselves; but, looking at the effect of former concessions on the innovating spirit of the Catholic leaders and the Catholic hierarchy he thought it was impossible that we could ever so extricate ourselves by adopting the measure proposed by the noble marquis.

Adverting to the state of things in Ireland, as he felt himself called upon to do, he considered her situation most alarming, and little calculated to encourage us to make concessions of this nature. Before we made such an experiment, let us have some security to look to, which might, however imperfectly, serve as a guard to our establishment, from any thing like innovation on the part of the Catholics. In the very outset of the discussion they had been assured, that no consent would be given to the principle of securities; that, in fact, neither the Catholic people nor their clergy were disposed to purchase concession at the price of securities. Abundant documents had fallen into his possession, many of which were printed, to show that both the clergy and the laity sought for and demanded no less than absolute, unqualified, and unconditional, emancipation. That such was their aim and object was clear from the manifestoes of the Catholic body, and even the petitions which had been laid on their lordships table. Such, too, was the tone and spirit which marked all the recent resolutions of the Catholic aggregate and other meetings, as well in those where the laity presided, as in those where the priesthood took the lead in their proceedings. Such being the character of written resolutions, supposed to be drawn up with deliberation, it would be unnecessary for him to allude to the inflammatory language, and tone of intimidation, which pervaded the speeches of their favourite orators, on occasions when such resolutions were passed. Out of a number of those published documents, it was sufficient to refer to one, wherein the writer, Mr. O'Connell, alluding distinctly to an unqualified, unconditional, concession, as the only one worthy of their acceptance, adds—"In our humbler fortunes, and in days happily now gone by, we were on the point of yielding in despair to the principle of securities, and it was the opinion of some of our best friends in and out of parliament, that we ought to yield it; but a total alteration has since then taken place in the posture of our affairs. To what is this to be attributed? Is it to the tone of moderation we have preserved in our debates and published appeals? or rather is not this alteration in our position owing to the threat which has been held out, and the strong language used of late, and which I feel justified in saying has at length placed us on the vantage ground?" Can they, resumed the noble lord, more distinctly tell us, they feel themselves placed in a situation to extort from the legislature, by dint of intimidation and threats, that which has so long been withheld? It was true, the sword was not drawn openly; but were their lordships disposed, in the face of a power of this alarming and anomalous nature to admit the Catholic body, thus marshalled and organized, within the pale of the constitution? Every peer was an adviser of the Crown, and was bound to give such advice as might, in his judgment, be best calculated to uphold and maintain this Protestant government. In the same manner every privy councillor was bound to give his best counsel to his majesty on affairs of state. And they should not forget, that in the measure submitted to parliament in 1813, when it was attempted to except privy councillors, the proposition was lost by a considerable majority. They should not forget, that, on the present occasion, they had to contend with a great power, and with great talent, perhaps as splendid as ever was exhibited within those walls. In addition to this array within, those who had preceded him had set up, on their side of the question, the authority of Mr. Pitt, of Mr. Fox, and of Mr. Canning, whose talents and eloquence had shed a lustre not on this country alone, but on the human race. Giving to those great statesmen and orators every tribute of admiration, he begged to say that they were all on the side of security for the conduct of the Catholics, if admitted to all the privileges of the constitution. If he could be satisfied that there was no reason to fear any danger would result to the state from this concession, he might be content to adopt the proposition of the noble marquis; but when these advocates of the Catholics say, "We will give you no security, we will not condescend to treat with you even on the basis of securities," then their lordships must agree with him, that they were in a new and altered position altogether. It had been frequently said, that Mr. Pitt was a decided friend to Catholic emancipation; but he would remind their lordships, that in all he spoke or wrote, he only advocated the cause of concession to the Catholics, provided it were accompanied with such guards and securities as would prevent any danger to our Protestant constitution. In a letter published on the subject of the Catholic claims, and which seemed published principally to give publicity to the quotation he was now about to make, it was stated "that the Catholics would allow Ireland to be tranquillized, but it must be on their own terms:" in other words we were to be at their mercy. The letter added, "the clergy of that church might be supported by our government, and derive from it other pecuniary means, but they must be placed under no restriction in consequence;"—that is, the Catholic clergy would consent to receive its income from government, but must remain independent of the government, which was to exercise no control over it. He would not consent to a proposition such as this: for though he would by no means contend, that they should be subject to a control which would afford a pretext for denominating it a slavish control, he would be extremely desirous that they should be placed, in this instance, beneath a wholesome and salutary control. As Mr. Pitt never was the advocate of unqualified concession, so neither was the late Mr. Canning, of whose talents and judgment, he could never speak without admiration. Almost from the first period of being acquainted with that distinguished statesman, he had been honoured with his intimacy; and he had had abundant opportunities of observing how decidedly strength of character, and candid manly conduct, marked the mind of his deceased friend. Yet, although warm in advocacy as in friendship, Mr. Canning had, neither in the agitation of this question in 1813, in 1815, or in 1821, ever stated that he would grant what the Catholics solicited without full and ample securities. Mr. Grattan also, in speaking upon the bill of 1810, admitted that securities were necessary. His noble friend, too, on the cross-bench, although he might not have expressed so strongly his opinion on this part of the subject, had decidedly acquiesced in the proposition, that securities should be given. The noble lord near him had expressed himself in distinct terms on the necessity of having the best possible securities for the maintenance of the Protestant religion in church and state. Another noble lord, the relative of the late Mr. Fox, came to nearly the same conclusion.

He must now be allowed to address himself to another topic. A contrast had been drawn between the condition of the Catholics in this country of freedom and the Catholics under other more arbitrary governments, namely, Russia, Prussia, and the Netherlands. There was no possible similitude in the condition or situation of the Catholics in those countries and in Ireland. There the monarch was comparatively arbitrary, and it was only necessary he should utter a single word, and all was acquiescence to his will. No person, even in Russia, was elevated to any church dignity, without being previously submitted to the approbation of the sovereign. Whilst in Ireland, the enforcement of such a regulation would produce the greatest disaffection; and were a bill for that purpose to pass the legislature, it would occasion a bloody insurrection. The Prussian monarch, also, had the power to restrict the nomination and appointment of the clergy; and none, in fact, were appointed without the royal sanction. With respect to the restrictions imposed on the Catholics of Canada, in these respects, they were, as lawyers would term, as stringent as they could possibly be; although there was such a disproportion in the numbers of the two religious persuasions, that there was the less reason to apprehend any danger in that part of our dominions—the condition of the Catholics in these countries, had been introduced into the discussion, to give a colouring favourable to the case of the Catholics of Ireland. He should be sorry to let any thing illiberal escape his lips whilst on this momentous subject: yet he thought no one would deny, that the Catholic body took every opportunity that presented itself to increase the influence of their own religion. It was said that the Catholic religion had undergone a great change. Were we sure of it, before we adopted that liberal sentiment as a practical axiom? Look to the experience of the last ten years. Observe the language they now held, and compare it with that of previous periods. Compare it with the language and spirit which displayed itself in the reign of James 2nd, when the legislature was perverted to the worst purposes. Never was there a tyranny more arbitrary, a proscription more dangerous. Without trial and on mere rumour three thousand persons were condemned, and their property and estates confiscated. When he recollected those times, and those acts of the Catholic Ascendancy of James's reign, and compared them with the intemperate spirit manifested at the present day, he felt anxious that their lordships should look at the proposition with circumspection and not suffer themselves to be abused by their too easy credulity.

With reference to some transactions which involved the character of the Catholic religion, as exemplified in certain persecutions that took place some twelve years ago on the continent, it was singular enough to remark, that those who were the most eager advocates for the Catholics, were those who looked on them, in those transactions, with the greatest dissatisfaction and suspicion. Without security, he could only anticipate the possibility of similar results. Yet, at some of the public meetings in Ireland, these orators, and those not of the most intemperate, had stated, that the proposition of securities was only to be met with scorn. These were amongst the reasons, why he could not accede to the proposition of the noble marquis, and why he thought it unlikely to terminate in any beneficial result. He confessed he saw the difficulties of the question; although he could not see his way out of them. The proposition now made was, to admit the Catholics without restriction into the legislature, into all and every office, and into a full participation of civil and military power. Did they believe, when they had conceded all these points, that they should be able to stop short there? Little must he know of the disposition of the Church of Rome to aggrandize itself, and obtain a supremacy in all things, and in all States, who could think so. He was not encouraged to hope even, that tranquillity would ensue, as a consequence of these important concessions. In 1778, when the Penal-laws were repealed, nothing, for some time, was heard of, but the gratitude of Ireland, and the tranquillity with which she was about to be blessed. But shortly, new demands were made, and political power was asked for. In 1792, the Catholic Board, a body similar to the present Association, which was sitting in Dublin, constituted itself a Catholic parliament, for the purpose of enforcing their new demands. If it were said, that the Catholics would be satisfied with what they now asked, he would answer—look to the past; arguing from the nature of human passions, and in particular from the character of the Roman Catholic religion, he would say, that it was quite impossible they could be satisfied; it was quite impossible they should stop.

But, did they say themselves that they would be satisfied? No such thing; they avowed that they regarded these concessions merely as preliminary to something more. A right rev. prelate had referred to the declarations of the titular bishop of Kildare. Now, if he could consider Dr. Doyle as an insulated individual, speaking merely his own mind, he should entertain little apprehension upon the subject. But when he found him supported by political societies and associations in Ireland—when he found that he was looked up to as their guide and director—he must consider the sentiments he uttered to be the sentiments of the Catholic body. Dr. Doyle had predicted the downfall of the Protestant Church of Ireland, and he told us, moreover, that it would be a most desirable event. In distinct terms, he had said, that Catholic emancipation would lead only to ulterior measures, without which Ireland could know neither repose nor prosperity. His coadjutor, the titular bishop of Killala, had used terms even more decided and positive: "the barrier of the Protestant Church of Ireland must be removed, or the Union will never be complete, and the Island will never be tranquil." I should (said the noble and learned lord) disgust your lordships, were I to go through the odious task of repeating all the terms of contumely, invective, and bitter vituperation, applied by the Catholic body to the Protestant Church of Ireland. They have been used not merely by the Catholic Association, but at meetings in every part of the island; and that they entertain a rancorous enmity towards the establishment, no man who reads their expressions calmly will for a moment doubt. That they look forward eagerly to the accomplishment of something more is evident; and the change that has taken place in the mode in which they speak of their prelates deserves some remark in passing. Formerly, those prelates were merely called, with retiring modesty, titular bishops; but now they speak of the Protestant rector of such a parish and of the Protestant bishop of such a See; and the Roman Catholic archbishop of Armagh had recently coupled with his name the title of "Primate of all Ireland." I only instance this fact, to show the spirit prevailing in the Catholic body. Am I then justified in the conclusion, that if we grant what is called Catholic emancipation, we may grant it as the supposed price of tranquillity. I cannot understand the policy of those who recommend this concession, nor bring myself to think, that they have taken an accurate view of the consequences. I resist the claims, because I cannot bring myself to the conclusion, that, without danger, without destruction, perhaps, to the Protestant establishment in this country, we can agree to a Catholic establishment in Ireland. I cannot accede to the proposition of the noble marquis, unless I am prepared to grant a Catholic ascendancy in Ireland. I contend, that by agreeing to this motion, we shall not purchase tranquillity. The notion is fallacious: we shall only give new means to support further claims, which will be urged, and backed by the very power we have ourselves conferred. Are your lordships, then, prepared to bid adieu to the Protestant Church of Ireland? Are you prepared to establish the Catholic religion in its stead? We know that the population of Ireland is Catholic; that three-fourths are of that persuasion; and it may be contended, that it is as just to establish the Catholic religion in Ireland as the Protestant in England, or the Presbyterian in Scotland. Any man who comes to that conclusion, I can understand. He acts a consistent part, and may well call upon us to to take this step, in order to facilitate the object he has in view. But, because I love the Protestant Church of Ireland; because I know it has produced great and illustrious men; because I think it the bulwark of the Church of England; I am not willing to forego my support to it, and I cannot grant a Catholic ascendancy in Ireland. Therefore I cannot agree to this intermediate step, which, I think, leads to no other conclusion than the establishment of the Catholic religion in Ireland. For this reason I have uniformly voted against concession, and for this reason I shall now vote against the proposition of the noble marquis; because, let the question take what shape it will, the disguise is always to be penetrated. I have said, that I do not see my way out of the difficulty. I wish to God I did; but I am satisfied that to comply with what is required, instead of diminishing that difficulty, would greatly increase it.

Lord *Plunkett* said:—I am anxious to take the first opportunity that fairly occurs, of repeating my unalterable conviction upon this question. The noble and learned lord behind me (Manners) last night stated the result of his observations, after a residence of twenty years in Ireland, and I am satisfied that he uttered, with perfect truth and candour, the conclusion at which his mind had arrived. I hope that your lordships will permit me, after forty years spent in that country in active life, public and private, official and unofficial, in parliament and out of parliament, with the fullest opportunities of observing the deportment of all classes, to state my unalterable conviction, that unless this agitating question be disposed of by some conciliatory adjustment, there is no hope of prosperity, tranquillity, or even safety, for Ireland. If any person has arrived at this decision, that under no circumstances, at no time, and accompanied by no conditions, he can and ought to do any thing for the Roman Catholics—that person is entitled to vote against the proposition of to-night. Unless he has arrived at that decision, I do not see how it is possible to refuse his support to the motion of the noble marquis. I have listened with the most profound attention to the able, temperate, and dignified statement of my noble and learned friend who has just taken his seat. Part of it I heard with the most gratified feelings; because I did think—and I still hope I am not mistaken in so thinking—I saw in the resistance he felt it necessary to make to the proposition, some distant gleam of comfort, some secret hope, some latent opinion in his mind, that there were circumstances and securities, if time were given to look after them, and if the search were made at the proper season, which might render the adoption of some measure in favour of the Catholics admissible. On the other hand, I felt extreme regret and disappointment at other parts of his speech; because, if I could agree with him in believing that we can take no step for the admission of Roman Catholics into parliament and into office, without the destruction of the Protestant establishment in Ireland, I, who have supported these claims almost from the first moment I could think, would abandon my ancient and confirmed opinions, would change my side, and become as determined an opponent to concession as I have been its most anxious advocate. I look upon the Protestant establishment of Ireland as a fundamental principle of our imperial constitution: I take it to have been unalterably settled at the Union, and that to talk of changing the Protestant religion of Ireland without shaking the Protestant establishment of the empire is idle. I speak no new language, now that, for the first time, I have had an opportunity of delivering my sentiments in the presence of the right reverend bench: I utter but the opinions I have entertained and expressed in the other House of Parliament, I think a religious establishment essential to our well-being, and that, without a dignified establishment in times like these, religion itself would be degraded. I am, therefore, persuaded, not only that the establishment is necessary, but that the rank, affluence, and dignity of the hierarchy is important to our best interests. I think further, that its power and influence are and ought to be so great, that unless that hierarchy be connected with the state, it may be too powerful for the state; and hence the necessity of maintaining that connection for the benefit of the state. On these grounds, and not for any fanciful and theoretical reasons, assigned by some writers upon this subject, I never for a moment would consent to any thing which should endanger our Protestant establishment. I further feel, that the Protestant establishment of Ireland is the very cement of the Union: I find it interwoven with all the essential relations and institutions of the two kingdoms; and I have no hesitation in admitting, that if it were destroyed, the very foundations of public security would be shaken, the connection between England and Ireland dissolved, and that the annihilation of private property must follow the ruin of the property of the Church. I should be happy to suppose that I had misunderstood my noble and learned friend, in the interpretation I put upon the latter part of his argument; and I repeat, that if I thought with him, that the consequence of admitting the claims of the Roman Catholics would be such as he anticipated, I would now and for ever resist them. I am most anxious to relieve my own mind, and to state the grounds on which I apprehend I can do so satisfactorily, from this terrible alternative; and I trust your lordships will excuse me if I go a little back, and briefly call your attention to that period of our history, so much adverted to by my noble and learned friend; I mean the period of the Revolution.

The general circumstances under which that glorious event occurred are so well known, that it is unnecessary for me to do more than shortly advert to them. At that date, this Protestant country took up arms in support of its civil and religious liberties against the bigotted and despotic monarch who had endangered both. She took up arms, as she had a right to do for that purpose, and she succeeded; but let me remind your lordships, that that success would probably have been more than problematical, if the energies and patriotism of the people of this country had not been sanctioned and stimulated by the strongest motives of religious duty. The union of patriotism and religion produced that success. What was then the situation of Ireland, of popish Ireland—of the unfortunate natives of that country? I do not advert to this point for the sake of reviving ungrateful recollections, but because it is necessary to my argument. When we come to sit in judgment upon the conduct of the natives of Ireland, we should do it, not with feelings of resentment against them, but of shame, remorse, and self-accusation, against ourselves. These are the assessors whom we ought to call in, to aid us in arriving at a decision, and in passing a just sentence of atonement. Ireland was once in possession of an undefiled religion; free from popery and papal usurpations. You forced upon her pure Christianity your own corruptions and superstitions; and you taught her to consider herself ours, not merely by right of conquest, but by papal grant. Without reference to her habits or opinions, you compelled her to receive your corrupted religion. As knowledge advanced, we became prepared for a change; and here the Reformation was effected with the full consent and approbation of the people. They understood and appreciated the blessings of the reformed religion; but the other unfortunate portion of the empire had been left in a state of ignorance and barbarism, and in this condition she naturally turned and adhered to the corruptions and superstitions which, in the first instance, you had forced upon her. Then you forced the Reformation upon her, without any regard to the habits and opinions of the people. When, therefore, she, some time afterwards, found a Popish monarch on the throne of England, she refused to take up arms against him, because he professed the same religion. Had the Irish possessed an enlightened philosophy, they might, perhaps, have known, that it was better to sacrifice their religion to their patriotism, than their patriotism to their religion; but, in such times, that was too much to expect from human nature, and accordingly not only did they not take up arms against a popish king, but they took up arms in his behalf. They were subdued: and what were the duties, at that period, devolving upon the English government? The great men of that day had a most difficult task to accomplish. It was impossible that they should treat the Roman Catholics of Ireland as good subjects: they had been, not as against the king, but as against the English government, in a state of armed resistance, and they could not safely be admitted into parliament or into office. It therefore became requisite by an act, strictly speaking, of injustice, but injustice compelled by rigid necessity, to exclude them from parliament and from office. But let me remind your lordships, and particularly the learned earl (Eldon), who is taking notes of what I say, of what was the state of the law as it existed at that time. At the Revolution the Irish Catholics were in undoubted possession of the privilege of sitting in both Houses of Parliament. I shall presently have occasion to observe upon the application of these laws to the English; but I am now speaking only of the Irish. The 5th of Elizabeth, by which, for the first time, the Oath of Supremacy was made necessary for admission into the House of Commons, never existed in Ireland. From the Reformation down to the 2nd William and Mary, a period of a hundred and thirty years, the Irish enjoyed the undisputed privilege, not merely in point of law, but practically, of sitting in parliament; they were also, though not, perhaps, to the same degree, admitted into office. The 1st of Elizabeth was adopted by the 2nd Elizabeth in Ireland, and it required the Oath of Supremacy to be taken on accepting office; yet, among the Roman Catholics it was not, for a long time, considered a barrier to their admission. It has been truly stated by my noble and learned friend, that many Roman Catholics took the Oath of Supremacy, and I may add, they did so, both in this country and in Ireland; for the first twelve years of the reign of Elizabeth, they took it without difficulty in this country, and it was not until after the attempts of the popish priests sent over from the continent to deprive Elizabeth of her throne and life, that any difficulty of the kind arose. The act of the 2nd William and Mary was the result of stern necessity superseding the ordinary dictates of justice and even the faith of treaties. But what was the course it became necessary then to pursue? Those enlightened persons, those lovers of freedom, then at the head of affairs, saw their difficulty, and became satisfied of the truth of this proposition, that it was utterly inconsistent to shut any class of individuals out of parliament and office—to deprive them of franchise and of the privileges of the constitution, and yet to leave them in possession of wealth and power. The two principles were utterly inconsistent; if you separate wealth and knowledge from the state, wealth and knowledge must overturn the state. Therefore, those profound statesmen saw in all its bearings the proposition I am now submitting to the House; and what was the course they pursued? I am not stating it for the purpose of casting any imputation upon them; they were in a situation of great embarrassment, and I have not met with any suggestion in any writer, as to the mode in which they ought to have proceeded. Treat them as good subjects they could not; admit them to parliament and offices in the state they could not; and then began that system which was pursued for seventy years—the system of keeping the Irish Roman Catholics in the lowest extremity of poverty and ignorance. It was pursued to that limit, where the art of grinding down a people must end: and then what took place? The good sense and good feeling of this country recoiled with pain and disgust, from the termination of their own system of government. They were shocked to see one of the fairest portions of the empire reduced to so destitute a condition.

Let the House recollect, that the whole period from the Revolution was one continued scene of severe but necessary infliction; and let the House recollect also the conduct of the Irish under it. While Scotland, and even England, had been subjected to more than one insurrection in favour of the exiled family, Ireland remained resigned and patient, and never raised an arm or a voice in its behalf. The people of England were softened and subdued by the resignation and forbearance of the people of Ireland, and became satisfied, that something ought to be done for them. A new system then began; and, for the last fifty years, you have been retracing the steps taken for the seventy or eighty years preceding, and endeavouring to replace the Irish in the situation which they originally occupied. Support, encouragement, privileges—constitutional privileges—to a great extent were given to them, and accordingly we now find them no longer in the abject and ignorant wretchedness to which we formerly reduced them. Your own acts of justice and policy have raised them to the situation of a great, powerful, and reflecting people. The English government and the Irish parliament made some mistakes in endeavouring to alter its course. Many of the provisions of the act of 1793 were most wise and salutary; but others were introduced of a decidedly objectionable tendency. By that act, all disabilities, all incapacities, either with respect to landed property, admission to office, or to other privileges of the state, were absolutely repealed, with certain exceptions, extending to a considerable number of offices, and above all, to seats in parliament—that highest privilege of civil life. You gave to Roman Catholics the right of returning members to sit in parliament; but you withheld from the Catholic aristocracy the right of filling those seats themselves; that is to say, you created a Roman Catholic constituency for Protestant representatives. It was impossible that this discordant state of things could arrive at any consistent termination; and by that error of the act of 1793 you laid the foundation of further evils. Under this new system of government, it was almost miraculous how Ireland continued to revive and to recover from her state of moral and physical degradation; so much so, that at length England became apprehensive of the growing power of Ireland, and in 1800, the Union was proposed, and took place. It was effected avowedly upon this principle—that by uniting the two countries under one religion, security might be given to the two establishments; and that, by uniting them under one constitution, happiness and freedom might be ensured to both?

Beware, my lords, how you paralyse that Union: consider how impossible it is effectually to preserve that Union by consolidating the two establishments, and yet, at the same time not to render it perfect by giving equal rights to the people of both countries. That these were the opinions of the illustrious statesmen under whose auspices the Union was commenced and concluded, will not now be disputed. I do not mean to assert, that the distinguished individual then at the head of the government held out expectations to the Roman Catholics, that they would be admitted to political power; but at that period hopes were encouraged, that the Union would be the means of facilitating the acquisition of privileges which they could otherwise never have a chance of enjoying. When the act of Union was carried I had a seat in the Irish parliament: I was then a young man, and I felt it my duty to oppose it: I am now an old man; but, under the same circumstances, were they again to occur, I should adopt the same course. As, however, the Union was carried, we ought to do our utmost to render it perfect and permanent. I thought, in the year 1800, that it was a measure of party; that it would not be acted upon fairly, and that the inferior country would be obliged to suffer without redress. I have been most happily disappointed. I know of no instance in which the interests of Ireland have been brought under the consideration of the imperial parliament, in which those interests have not been attended to with justice, with favour, and almost with partiality.

Then, I may naturally be asked, if both countries have been so prosperous under the Union—if many privileges and advantages have been given to Ireland by it—if the markets of this country have been thus opened to her produce, why is she not satisfied, and why, by making these claims, does she attempt to disturb the harmony of the empire? I answer, that the Irish Catholics, by making these claims, are evincing their gratitude for benefits conferred upon them, and that they are the necessary consequence of the situation in which they are placed. If they aspire after the honours of the state, in order that they may serve their common country with advantage, it is not only consistent with the policy but with the dictates of human nature. If, as you say, you have given the protection of the law to the Catholic—if you have admitted him into the possession of wealth and power, and yet have excluded him from office on account of his religion, which you say necessarily makes him a subject not worthy of confidence, not worthy of a seat in parliament—is he to feel himself satisfied, or rather, does he not show his gratitude by asking for more? I should think him most base and unworthy to be free, if he were not to ask for more if he were sincere; but I should not believe in his sincerity; and should think him a base and deceitful hypocrite, I should think him a disgrace to the country, if he were not to ask for all the privileges of the rest of his countrymen.

I have been told, and it has been more than once mentioned in the course of this debate, that there is a difference between civil rights and political power. There is, in my opinion, no position more at variance with the fundamental principles of our constitution. Political power is the guardian of civil rights. The civil rights of subjects are not founded on any written law, but arose out of the essence of the constitution. Where is the law on which the rights of Protestants to seats in parliaments are founded? There may be, and there are, laws for regulating the right, but the right itself rests on the common principles of the constitution. That right, like all others, may be modified according to circumstances; but still, enjoyment is the general rule, exclusion is only the exception, and those who defend the exclusion are bound to prove its justice by making out its expediency. Our constitution is any thing but an establishment of castes. The whole of it rests and is supported on the free admission of all the people to its benefits. The Throne, the Commons, and the House of Lords, all rest on this fundamental principle of our constitution, and by this it has been preserved from the fate of other countries. We have heard of public councils in other countries, which have been changed into oligarchies, by trenching too much on the executive, or into courts of justice, by permitting the executive to intrude too far upon their privilege; but the grand principle of our constitution is, that the several orders fall back upon the people, and are, I may say, renewed by them. What is the construction of your lordships' House? Is it not gradually renewed and strengthened by an infusion from the body of the people—of those who are conspicuous for their merits in having served the country, or the power of serving it by their wealth? The basis they rest upon is that of public opinion; and their improvement is founded in popular stamina.

The lowest man in the state may, by his own merits, and the exercise of his prerogative on the part of the sovereign, become a member of this House. What a proportion of your lordships have been elevated to the rank of the peerage in the late reign; and does it become those who have thus been taken from the people to talk of castes? With what face could I think of using the privilege which has been conferred upon me by putting my back to the door to shoulder out the duke of Norfolk? Shame on the ingenuity which could so construe the four corners of the great charter, as to turn it to the exclusion of the descendants of those freemen by whose wisdom and valour it was obtained! The position against which I contend, is that most erroneous one—that one set of men in a free state should have political power, whilst others should be excluded. This is a state of things so intolerable, that it is not in human nature to bear it. The subjects of the most absolute despot may, under a beneficent ruler, be happy; but it is impossible that men living under a free government can feel themselves otherwise than in a state of degradation, when they find they are debarred the exercise of their privileges as freemen, because they are said to believe in a religion which is superstitious and idolatrous. In such a state, every comfort and enjoyment they may have, will be smothered by indignation at the privations to which they are exposed, and the grounds on which their exclusion are defended. Can your lordships, then, be surprised that you are called upon, year after year, by the Roman Catholics, for the removal of the disabilities under which they labour? I have at all times endeavoured to moderate the zeal of my Roman Catholic countrymen, by recommending them to make their approaches, with temperance to the hostile opinions, and even to the unjust prejudices, of those who are opposed to them in this country; but I should grossly abuse any influence which I may possess amongst them, if I were to advise them to cease their applications altogether. The best advice I can give is, that they should never cease to pursue the assertion of their claims, until they obtain a full recognition of their rights. If there is any effect of their exclusion which I should view with the greatest alarm, it would be, that their voices shall be no longer heard in support of their just claims. That, indeed, would be a danger worse, not only than any which result from their exclusion, but than any which could well be imagined from their admission. What, I would ask, is the state of Irish feeling now on this subject? It is well known, that in the pursuit of this one object of emancipation an intensity of feeling pervades the whole of the Catholic population of Ireland; no matter what their rank, condition, or state in society. They all join in this pursuit with a degree of unanimity which has no parallel. Laity and clergy are alike associated in following the same object. Over a body thus united, a few individuals have acquired an influence, by which they have the power to excite them to almost any object they may think proper. I would ask your lordships whether that is a state of society which ought to continue in Ireland? Are we to hold our laws, our liberties, our safety, at the discretion of those individuals? Is it a state in which so important a part of the empire should be allowed to remain? Your lordships may complain, that a few persons should possess this power over so large a portion of the people. Why—it is not unreasonable to ask—should a few lawyers, who have only their zeal and their talents, possess this extraordinary influence? Your lordships will find, in answering the inquiry, that you yourselves are the cause. The people are united because they are aggrieved. They associate and send forth their complaints because they consider themselves injured: and your lordships may as well endeavour to arrest the current of the blood in the human body, as to prevent those complaints, as long as you suffer the grievances out of which they spring to exist. As long as there are wrongs to be redressed, there will be public assemblies of the people to seek that redress; and, in those public assemblies there will be leaders, vying with each other in the race for vulgar popularity. If one sees that he is out-stripped by another, he will endeavour to do something to render himself more agreeable to the passions which, for that purpose, he will be disposed to excite. Do your lordships object to this state of things? These demagogues are the spawn of your own wrong. You yourselves have created it; and, instead of looking on persons thus engaged as objects of justice, you should rather consider them as victims to injuries of long standing.

The question, then, to be considered is, what are we to do in this case? Are we to stand still, or go backwards, or go forwards? To stand still is impossible. We must, then, either go forward, or go backward. "Go backward!" said the noble lord,—"Go backward! re-enact the penal laws, and outlaw a large portion of the people." Excellent tyranny, if it were possible. Make war on your own resources, and tarnish the honour of the country, by weakening it in such a cause. War, my lords! and for what?—war, which, when you had carried on to a certain extent, you would have to begin again,—war, which would leave you a guilty spectacle to scoffing and exulting Europe. Do your lordships suppose, that what is passing in Ireland is an object of indifference to the continent of Europe? Do you suppose that our excellent constitution, and the unexampled prosperity of our career, has made us the love, and not the envy, of the world? There may be some foreign statesman who, taking up his glass, and viewing the dark spot in the western horizon, pregnant with the materials of the coming storm, thinks not that it will break on him but for him; but I would answer for it with my life, if there should be an invasion of Ireland, that the Irish people will be found true to the king and the constitution [hear]. But, why so? Is it by virtue of the oath of supremacy, or the oath against transubstantiation? They may invoke all the saints in the calendar, without giving you much benefit by it; but you will be entitled to their support, by reminding them of the events of the last fifty years, during which, in measures for their improvement, you have endeavoured to counteract the blighting effects of the penalties and persecutions of the preceding eighty. You will be entitled to it, by the hope of freedom which they see yet held out, and the prospect that their difficulties will at no distant day, be wholly removed by your liberality.

I am most anxious not to introduce any topic which has not a tendency to conciliation; but I cannot help remarking on the inconsistency of the arguments of divided allegiance, and that which is admitted on all hands; namely, that the Roman Catholics are good subjects. This admission is made within your lordships' House; but then it is notorious, that out of this House a strong feeling is excited against the assumed dispositions of the same individuals, by the recital of the persecutions and fires of Smithfield. I do not mean to state, that any of your lordships would be disposed to avail yourselves of the prejudices arising on this ground, but it cannot be overlooked, that while many of you oppose the Catholics on one ground, the only tie they have on the public voice in their support, arises from another. I cannot pass over, in this place, the use which has been made of the name of Mr. Pitt, and the manner the authority of his alleged opinions have been dealt with. This statesman, whose acts are well known—whose speeches and opinions are now recorded and matter of history,—is now held up by some of his admirers, in support of a cause which he had never advocated. The principles of that right hon. gentleman on this question are, I should have imagined, well known; they caused his retirement from the councils of a sovereign who loved him, at a time too, when the country was engaged in a war, in the issue of which his fame was committed. Yet, with all this, his name has been made the watchword of those by whom the very contrary opinions are held. I do not mean to impute blame to those noble and hon. persons who have been made, perhaps, in many cases, the unwilling sharers in those orgies; but I must say, that they are deeply responsible by whom this unfounded cry has been set up.

Lord *Eldon*.—I claim my share of that imputation.

Lord *Plunkett* assured the noble and learned lord, that all he felt it his duty to state on this subject, he said in good feeling towards him, and without meaning it in any way offensively to him, for no man had a higher respect for the character of the noble and learned lord than he entertained. His argument was, that it was extremely unfair to hold out Mr. Pitt as the enemy of Catholic emancipation, and to associate the general principles of that statesman with opposition to the measure.

Lord *Eldon* denied that he had so held out the opinion of Mr. Pitt.

Lord *Plunkett*.—That is exactly what I wanted to hear. But whoever sent forth such an erroneous opinion to the country is deeply answerable for it. Another insinuation is, that Protestant ascendancy is opposed to radicalism, and the inference sought to be obtained is, that those who support the one are opposed to the other.

This also is extremely unfair; because it is well known, that many who are sincerely opposed to radicalism are as sincere in their support of emancipation. I will now call the attention of your lordships to a book which has been laid before the public, containing a number of letters which passed between the late king and one of the members of his council, relating to the conscientious scruples entertained by the sovereign, as to whether he would be justified in refusing his assent to certain measures which might be proposed by the Houses of Parliament, and whether such assent would not be a violation of his Coronation Oath. Now, it appears to me, that in the life-time either of the late king, or of the member of the council to whom the letters were addressed, their publication would not have been justifiable; and I also think, that the representatives of the noble lord in question were not justified in placing them before the public.

Lord *Kenyon.*—May I be permitted to say a few words? [cries of "order, order"].

Lord *Plunkett.*—I meant distinctly to convey to the noble lord my opinion, that the publication of those letters was not proper; but, in doing so, I never intended to convey any thing that was personally offensive. I must repeat, that the publication of letters, tending to influence a measure before parliament, by putting in opposition to it the opinion of the late king, was not a fair mode of dealing with the subject. When I say this, I mean no insinuation against the sincerity of his late majesty. They are the conscientious opinions of an honest man, and the mode in which they are put is calculated to endear his memory to the people, and prove him a worthy member of the House of Brunswick. But it is miserable to think of the use which has been made of that opinion, and how the ear of royalty may be abused in some cases; for his majesty was made to believe, that he had no right to assent to the measures to which the letters referred, and that such assent would be a violation of his Coronation Oath. The opinions of lord Kenyon were those of a sound lawyer and an honest man. What he said was, that it was not incumbent on his majesty to refuse his assent to the repeal of those acts, when the Houses of parliament, in proposing that repeal, considered it for the benefit of the country. In the same view, he mentioned that the repeal of the Test Act might take place without any breach of the Coronation Oath or the Act of Union. His lordship added "It seems to me, that the judgment of the person who takes the Coronation Oath must determine whether any particular statute proposed does destroy the government of the Established Church. It seems that the oath, couched in the general terms in which it is found, does not preclude the parties sworn from exercising a judgment whether that which he is bound to maintain will be essentially, or in any great degree, affected by the proposed measure." The noble lord thus left it as a case which might be decided by the exercise of his majesty's judgment, acting by the advice of his responsible ministers.

I now come to an act on which much stress has been laid—I mean the 30th of Charles 2nd. That act has been made to bear an overwhelming influence on this question; for it is contended, that it forms one of the fundamental principles of our constitution. If that be so, what a frightful step has been already taken; for the House of Commons has more than once passed a bill for the repeal of part of that act; and therefore has agreed to a measure contrary to the principles of the constitution. It will be necessary to relieve your lordships from such a dangerous consequence as must follow, if the principle to which I advert be true. Now, I deny that the 30th of Charles 2nd is such a measure as it has been described. It was not an act passed with reference to Ireland; for the exclusion of Roman Catholics from seats in parliament in that country did not take place till some years after. But I will prove, from legislative records, and from the history of those times, that the 30th of Charles 2nd was not then, nor afterwards, considered a fundamental principle of the constitution. It was passed at a period after the Restoration, when the sovereign was suspected, and not unjustly, of being imbued with Roman Catholic principles. Your lordships know that the first attempt made at that time, in consequence of the supposed opinions of the monarch, and those that were known of his probable successor, was the bill of Exclusion, and that having failed, the 30th of Charles 2nd was substituted. Now what does that act say? It states, that many of the mischiefs that had accrued to the country had arisen from popish recusants having access to the throne; and it declares that as a reason why the Oath of Supremacy should be taken as a qualification for seats in both Houses of Parliament. I do not deny that such an oath may have been necessary at the time; but I will ask, whether that measure has ever been declared permanent and unalterable? The first legislative measure which referred to it afterwards was the 5th of Anne, when provision was made for the demise of the Crown; in the absence of the successor, a regency was provided, and the regent was declared to be disabled from giving assent to the repeal of certain acts. The first of these was the Act of Uniformity. Mention was made of the 30th of Charles 2nd, but that was rejected. Is not this a proof that that act was not considered permanent and unalterable? The act that was considered permanent, the regent was prevented from repealing: but with respect to the other, it was left, like any ordinary act, to the discretion of the government of the day. The next act to which I shall refer is that of the Union of England and Scotland. It was by that act declared, that the Church of England and the Church of Scotland were to be considered permanent and unalterable in those countries. But no mention was then made of the 30th of Charles 2nd; and when the commissioners proposed that the oath should be taken in Scotland, it was refused, and the words were added, "until parliament shall otherwise provide." I have thus, I conceive, redeemed my pledge of proving, that that act was never considered a fundamental principle of our constitution. It was, as I have observed, passed to prevent the danger of popish recusants having access to his majesty. Now, the 31st of the late king took away recusancy, and gave to popish lords the privilege of access to the sovereign; and if that act had gone a little further, it would have repealed the whole of the 30th of Charles 2nd, and left your lordships little trouble on the subject. This act of the 31st of the late king was two years afterwards extended to Scotland. Here there was a repeal of the very ground on which the 30th of Charles 2nd was passed. The object of all these acts, and their only object, was, to exclude the temporal power of the pope; and in all the acts which have been passed relating to Ireland, there has been an express provision, that they shall continue until parliament shall otherwise provide.

I think I have now disposed of all that relates to the 30th of Charles 2nd, and redeemed the pledge which I set out by giving. The noble and learned lord who preceded me, seemed to put upon the Oath of Supremacy an interpretation different from that which I put upon it. I think it impossible to take it. My idea of the Oath of Supremacy is, I confess, that in the strict and literal sense of the words, it is impossible for it to be taken by any person; for it not merely denies that any foreign power "ought to have any authority, ecclesiastical or spiritual, within this realm;" but it denies even that any foreign power "hath" any such authority. Now, if we admit that there are Roman Catholics in this country, the pope must have spiritual authority here. In the nature of things he must exercise it. We may deny his right, but we cannot deny his power, while there are Roman Catholics in the country. The intent of the oaths no doubt was, that it should be an absolute denial that any foreign power exercised any temporal or spiritual authority, as to the established religion of this country. It is perfectly correct, with reference to that church, to say, that no foreign potentate hath or ought to have any power or authority, temporal or spiritual, over it; but, as to the spiritual concerns of a sect, which was not at that time recognised by the law, we did not prevent them from submitting to foreign authority, nor could we do it. And, my lords, I will ask, does the king of England exercise any authority in the spiritual concerns of this sect, or could he do so without the sanction of parliament? Certainly not, according to the words and nature of that oath; and, as long as it continues, the pope must have that power. I only state that, according to the words of that oath, and to the nature of things, this must be; but do I mean to advance, that this oath is uncontrollable? No; on the contrary, I think it most important, that this power should be placed under the control of the state. I think it is a danger for which a remedy ought to be provided. I think it a formidable thing that there should be an intercourse between the Roman Catholics of Ireland and a foreign power—an intercourse which, at present, may be innocent, but for the mischievous effects of which hereafter nobody can pretend to answer. I say, that, when any specific measure comes before your lordships for discussion, I shall join most heartily in requiring that the appointment of the Catholic clergy should substantially, if not by direct form, rest with the present system of domestic nomination, under the control of the state. I agree with noble lords in believing, that danger may result from the authority now exercised by the pope in these appointments; but the noble lords feel that this furnishes them with a good argument against removing the Roman Catholic disabilities, and they had rather have the danger and the argument, than adopt a course of proceeding which would have the effect of doing away with both. For myself, my lords, I cannot conceive how any body, anxious to guard the Protestant establishment, can refuse entertaining this proposition, or joining hand in hand with me in carrying it into effect. On the subject of additional securities, I am strongly impressed with the conviction, that some arrangement ought to be made with the see of Rome, by which, in the appointment of the Roman Catholic clergy, a substantial control should be given to the government? They should be rendered respectable in the eyes of their flocks; and, for that purpose, a competent provision should be made for them by the state, not absolutely and independently, but like the *Regium Donum* granted to the Protestant Dissenters. To this last point some objection may be made on the score of our finances, but I can assure noble lords, that they will incur much greater expense by keeping up an army, which, in quieter times, would be wholly unnecessary, than would be necessary to support the whole of the Catholic clergy. If caution and jealousy might be thought to be unfounded on the part of the Protestant governors of the country, still that was no reason why they should not at once be conceded.

I listened with deep attention the other evening to the observations made by a right rev. prelate (the Bishop of Durham) on the subject of divided allegiance; but I have not been able to collect what is the exact danger that he apprehends, or what he thinks likely to happen inimical to the constitution of this country, through the interference of the pope. The only instance I have heard of, in which the authority of the see of Rome is at variance with the law of this country, relates to marriages. It is held by that power, that certain marriages, which, according to the law of this country, are perfectly valid, are wholly illegal, according to the canonical law as it is there professed. But this is merely an opinion which does not interfere, in any degree, with the civil rights of parties; it does not affect the legitimacy of children, nor their right to inherit their parents' property, but only expresses the censures of the church against parties who are living in what is thought to be a state of sin. This is the single instance which has been adduced; but if there had been more, they would have added little to the weight of argument, if they had been of a similar character. They are altogether too insignificant, as well as too few, to weigh in the minds of statesmen who have an object so important to gain as the restoring peace and tranquillity to Ireland.

My noble and learned friend on the woolsack has said, that the Roman Catholics decline to give any securities whatever, and that this circumstance decides him in voting against them. He says, that it entitles him to take away from the ranks of the advocates of Catholic emancipation the great names of Pitt, Fox, and others. All that I can say to this is, that they did support the measure and, although the event has not happened to which the noble lord alluded, in their lives, it does not follow that they would have refused to continue their support, because it had happened subsequently. As to one of them, my view of the matter is borne out. It was in 1813 that the securities proposed were refused by the Catholics; but Mr. Canning continued to support their cause, and this encourages me to hope, that, if they had lived, they would also have continued their support, even if the Catholics had refused the securities demanded of them. But I do not think they did refuse. It is said to be the opinion of the great body of the Catholics, that they ought not to give these securities; but the opinion of the Catholics as a body should not be taken from what is said in public meetings, or from what falls from the demagogues and leaders at those meetings, into whose hands we have thrown them. Neither ought it to be inferred from their silence when those opinions are expressed; in which, perhaps, they do not concur, although they dare not contradict them. I confess I think they ought to do so. But it is really a matter of no importance, whether they do or do not agree to the securities. It is for your lordships to do what you feel to be right and just. If you think that the measure may be safely adopted if accompanied by securities, it is your duty to pass it, without any regard to what the Catholics may think of those securities. This, I contend, is one sound principle of legislation. Every great body ought first to ascertain what is right and expedient to do, and this being ascertained, to carry it into effect. I am as certain, as I am of my existence, that the great Catholic body would not hesitate for a moment to adopt the securities that may be proposed to them.

But we are asked, how is it to tranquillize Ireland? I answer, that if any noble lord thinks the sole object of this measure is to tranquillize Ireland, he is totally mistaken. The object of it is to do an act of justice. The tranquillity that may ensue is accessory, and not the principal object. Ireland, no doubt, will then be tranquil; but nobody can suppose that this proposition is by itself to be considered as a *panacea* which is to produce immediate and everlasting peace. Ireland will still be liable to be disturbed by the angry passions: but there will not be that hectic fever which makes Ireland a dead weight upon this country, instead of being, as it might be, an accession of strength and wealth. There are some other topics on which I wished to touch; but I have occupied so much of your lordships' time, that I will now conclude. I meant to have made some observations on the Catholic Association. I brought a bill into the other House of parliament for putting down that Association; but it must be remembered, that I did so in the belief that that measure would be accompanied by others of a salutary nature. It has not been accompanied by any such measures; and I am free to say, that if the bill for putting down the Catholic Association were now to be brought down to the House, I should not feel myself bound, under existing circumstances, to vote for it. I am convinced, that any measure, other than that which is intended to be founded upon the resolution before the House, will fail of accomplishing the tranquillization of Ireland. If the discontents and disturbances are stopped up in one place, they will break out in another. Nothing can repress them but expedients so rigorous, that they will be inconsistent with a free country. The only effectual method of calming and defeating discontents is by taking away from the discontented, that pretext which their wrongs give them.

The Earl of *Eldon* complained of the attack made upon him by the learned lord, who had represented him as a person determined never to consent to any measure of tranquillity to England and Ireland. He protested, that he had never used, towards any class of his fellow-subjects, any language which could justify that statement. The only determination he had formed upon this subject was, to investigate it, and to watch it as closely as possible; and, whatever might be the result of his deliberations, he would act upon them unhesitatingly. His motto had ever been, " Be just, and fear not." Before he entered on the subject immediately before the House, he begged permission to say one word in allusion to what had been observed respecting the late Mr. Pitt. There was no person whose memory was more dear to him. There was no charge he should feel more acutely if it could be made against him justly, than that of having offered any disrespect to the memory or the character of that great man. He was ready to plead guilty to the charge of having annually, since his death, and of intending annually, as long as he was able, until his own should happen, to celebrate Mr. Pitt's birth-day. He begged, however, to deny on his own part, and on the part of those who were equally guilty with him of this charge, that it was his purpose or theirs, to make use of that great man's name against the Roman Catholics of this country or of Ireland. He knew, and he had always acted on the knowledge, that Mr. Pitt had an earnest desire to relieve the Roman Catholics from their disabilities, both in England and in Ireland, if he could have done it consistently with his public duty, and have obtained those securities which he thought necessary to the safety of the religious establishments of the country. He would take the liberty, in addition to what appeared in the letters to which the learned lord had referred, to state, that there were certain securities or restrictions which Mr. Pitt would have insisted upon, as a preliminary condition to the concession of the claims of the Roman Catholics. Having had the opportunity, again and again, in the course of his intercourse with that great person, and being most anxious to regulate his own conduct in conformity with that of Mr. Pitt, he knew what securities he considered necessary to be retained in defence of the institutions to the country: and if any body supposed that because the words Protestant Ascendancy, which was an expression used in the commemorations to which he had alluded, were not warranted by Mr. Pitt's authority, he would state that it was perfectly in agreement with the opinions of that great man, that the relief given to the Roman Catholics should be such as would be safe to the establishments in Church and State. Having made these remarks, he would direct the attention of their lordships to the motion before the House; and he would venture to say, that this was an instance of proceeding in parliament the most extraordinary, as to the mode in which it had been treated in the debate, that he ever remembered. The single proposition in this motion was to this effect:—"That it is expedient to consider the state of the laws affecting the Roman Catholics of the United Kingdom, with a view to such a final conciliatory adjustment as may be conducive to the peace and safety of the United Kingdom, the stability of the Protestant Establishment, and the general satisfaction and accordance of all his majesty's subjects." The question, therefore, to be decided was, whether their lordships were satisfied that it was expedient to enter into this large and general consideration of this subject. He begged their lordships to allow him to remind them of what their proceedings had been for the last twenty years on this subject. The constitution had practically excluded the Roman Catholics from having seats in parliament for nearly a century and a half. When, some years ago it was proposed in this House to enter upon the general consideration of the question, in consequence of a petition from the Roman Catholics, on a motion not very much unlike what was now proposed, the House thought proper to negative the proposition, on this ground expressly—that it would have the effect, perhaps, of unnecessarily alarming the Protestant part of the community, and perhaps also of raising expectations, without its being in the power of parliament to gratify the wishes of the Roman Catholics. Those who advocated the claims of the Roman Catholics should propose some specific measure, that their lordships might determine whether it was fit to be adopted. This was the opinion stated twenty-five years ago when the question was first opened. What had been the consequence of that opinion? That, from time to time, different bills had been, in various shapes, proposed; all of which that House had thought proper to negative. The House might, in fact, be fairly represented as sitting in a species of committee during the last twenty years on this question. Their lordships had given their minds to the consideration of these measures, and had honestly and fairly decided upon them; and now, at the end of twenty-five years, they were called upon to adopt a Resolution which would lead—to what? A number of different suggestions had been made in the course of the debate, and from these plans their lordships were to select as many as they thought proper, and to reject the rest. He objected to enter into the consideration of any proposition so general in its terms as the present. He was reluctant to fatigue their lordships with going over the historical detail of the acts that had been passed for the exclusion of the Roman Catholics. He had been represented somewhere or other as if he was an Almanack-maker, because he followed this course. But no less a man than lord Bacon, when he was addressing his sovereign, with respect to a Spanish, or some other war, had concluded his observations by saying, that he was afraid he should be taken for an Almanack-maker. As it was necessary for the due information of the House, that he should re-state those facts, he would hazard the risk of being again taken for an Almanack-maker, when he had lord Bacon to share the honour with him. He should now proceed to observe upon the manner in which the disabilities had been imposed, and the circumstances which gave rise to them. In the reign of Henry 8th a great many acts were passed to deprive the see of Rome of any jurisdiction in these realms. In the reign of his daughter, queen Mary, a great many acts had also been passed on the same subject, but with a different purpose, for their object was, to give the pope of Rome a temporal jurisdiction in many important matters in this country. On the accession of queen Elizabeth, a different spirit prevailed; and, by one act of the earliest part of her reign, twenty-one of the Statutes last alluded to were repealed, and the object of which was stated, expressly to be, to relieve her majesty's subjects from the cruel bondage in which they had been placed by the acts passed in the reign of Philip and Mary. Their lordships might, when they went home, have the curiosity to look into these acts, and they would find, that, in many instances, the see of Rome was allowed by them to exercise a direct authority in spiritual matters, and in matters of a mixed spiritual and temporal nature, or, as it was then called *in ordine ad spirituale.* More degrading and humiliating legislative measures had never been recorded in the annals of any kingdom. It was afterwards enacted, that no member should be admitted to take his seat in the House of Commons until he had taken the Oaths not only of Allegiance but of Supremacy also. Lawyers, such as himself, whether they were considered, as a right rev. prelate had called them "book-read blockheads," or as blockheads without book-reading, were apt to take their information from such books as they were compelled to read. In one of those books, a work of lord Hale's, there was something on this point which was singularly illustrated and corroborated by what Dr. Doyle had said, in his evidence before their lordships. When asked, if, by virtue of his oath, he should feel himself obliged to disclose to his sovereign any treasons committed, or about to be committed, which had been revealed to him in confession, he said, "No: it was true that the words of his oath required him to do so, but every body knew that the Roman Catholic clergy did not think it their duty to disclose what was revealed to them in confession." So that he proved beyond question, that the words of the oath did not hurt him, but only helped to shew how much of what he swore to he was bound by. Lord Hale's observations were on the same subject. He said, the pope of Rome, in order to increase his power in this kingdom, took a subtle distinction between what was spiritual and what was temporal *in ordine ad spirituale,* and he added, that the Oath of Supremacy was framed in order to meet this difficulty. As this, however, was found insufficient, the Declaration against Transubstantiation was resorted to, because, until the character of an individual could be got at, it was impossible to know by how much of the oath he swore to he was bound. In the course of this debate a noble lord had alluded to the necessary rejection of the duke of Norfolk on account of his faith, should he present himself to that House to assume the right of his ancestors. With respect to himself individually, he could only say, that a more painful duty than that suggested could not by possibility have been imposed on him, while he had the honour of a seat upon the woolsack. But, if the sovereign himself should appear there without having previously taken the Oaths and the Declaration against Transubstantiation as required by law, he should be constrained to inform him, that he was *ipso facto* incapacitated from discharging the constitutional functions of king.—Touching the Coronation Oath, according to its form since the Revolution, a noble earl had observed, that he could not discover any thing in it which should have the effect of preventing concessions in favour of the Roman Catholics. As such were that noble lord's opinions, he was glad that there was no possibility of his ever being called to the exalted situation, where their influence would be injurious to the State. It was very easy for persons to talk of the nature of oaths which others were obliged to take; but, without going further into the subject, he would push that point no higher than this, that it was the duty of his majesty to consider whether he could give his consent to bills which had passed both Houses, consistently with the obligations which the oaths imposed upon him; and the opinions of those persons who advised him upon such a subject, would be of the utmost importance. If in this Protestant state and kingdom—for such the acts of parliament warranted him in calling it—his majesty should think that, consistently with his duty, he could not give his consent to those bills, he would be under as solemn an obligation as any man could ever be placed under, to refuse that consent. It was worthy of notice, that the act which set forth the unconstitutional attempts of James 2nd previous to his abdication, did not merely declare, that he had sought to subvert the laws and constitution of this country, but that he had endeavoured to subvert the Protestant religion, and the Protestant government of the state. When the Act of Settlement was passed, it was required that the king should be in the communion of the Church of England, and not be united in marriage to a member of the Roman Catholic religion. They had, therefore, a king upon the throne, who was obliged to be in communion with the Church, to make the Declaration against Transubstantiation, and to fulfil all those other duties which the parliament thought fit to impose. From that time to the present day the constitution, in all its branches, had been essentially Protestant. The Act of Union with Scotland was founded on the same principle; and the Scotch act on this subject, actually went the length of declaring, that Roman Catholics should neither be electors nor elected, in the representation of the kingdom. They had, therefore, the Act of Settlement, the Bill of Rights, and all subsequent acts, the fundamental laws of the kingdom, which declared it impossible, that Catholics should be admitted to power. He did not mean to say, that it was in the power of any legislature to bind those of a future day; yet, when acts had been passed, and had been long in operation, it required considerable caution before we undertook to alter them.—In the course of the debate, a great deal had been said about securities; but they should recollect, that the proposition they had now to discuss, did not, in the remotest degree, allude to that important topic. Some proposed to give the king a veto on the nomination of bishops; some to place in his hands the nomination itself; while some said, that the nomination ought to be entirely a domestic matter; but he objected to the discussion of these points, as they were not distinctly before the House. Their lordships undoubtedly had authority to guard the Church in the same manner as it was at present guarded; it was competent to them to secure it with still stronger protection; but they had no authority to plunge the country into a state, into which it had never before been plunged, and in which neither Protestant nor Catholic could know what could be done.—That difficulty—the absence of all definite proposals of security—would alone justify him in refusing his consent to the present motion. There was one other point to which he was desirous to advert: he alluded to the language and sentiments promulgated by the Catholic Association. He should pass totally over the indiscriminate virulence of their invectives, as great allowance was to be made for the feelings of persons continually speaking on such popular and inflammatory topics. In the course of their speeches it was not a little remarkable, that no one (except, perhaps, lord Eldon) was oftener made the subject of censure and abuse than the noble lord (Plunkett) who had so ably advocated their cause. What he wished particularly to notice on this occasion was, a recent proscription by their chief orator of twenty-eight county and borough members. From the tone of confidence in which the speaker calculated on removing those obnoxious representatives, it appeared that they had already sufficient elective power in their hands, and ought not to require that it should be increased. The noble earl concluded by conjuring their lordships, by what they owed to their king, their country, and to the Protestant Church, to refuse their assent to this resolution.

The Marquis *Wellesley* said, that the resolution which had been proposed for their adoption should receive his cordial support. Were he to state the grounds of his vote, he should occupy hours of the night, which had already so far advanced. He supported the claims of the Roman Catholics from solemn conviction, founded on long and studious attention to the operation in Ireland of the laws enacted for their exclusion. The result of his experience was, a thorough impression, that those laws did not tend to the security of the Church and State, as was fondly imagined, but only produced danger to what they had been designed as a safeguard. It had been his lot to watch all the bearings of the system, and he could not but consider it no less impolitic than it was unjust. In the discharge of his official duty in Ireland, he had had the most efficient assistance from the members of his majesty's government,—he felt at the time, and he now acknowledged with gratitude, their active co-operation—he had been also supported by the personal favour of his beloved sovereign; and yet, notwithstanding those advantages, his exertions for the tranquillization of that country had been too often counteracted by the dreadful influence of this code. He was surprised that the present resolution should be objected to, as it did not pledge their lordships to any particular plan, but merely set forth, that "it was expedient to consider the laws affecting the Roman Catholics, with a view to such a final and conciliatory adjustment, as might be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his majesty's subjects." Now, he would ask any person acquainted with the condition of Ireland, whether it was in a state likely to lead to a conciliatory termination, or calculated to afford the desired stability to the Church, or to effect the re-establishment of harmony and peace? We had had, in the course of this discussion, the declared opinion of the noble and learned lord on the woolsack, that the consideration of this subject was involved in great difficulty. But still he afforded us no hope, that those difficulties would be removed, and a remedy for the evil applied. Did the noble lord point out any mode—did he hold forth the least expectation, that we should, in any way, escape from those difficulties?—No; the noble and learned lord did none of those things. The difficulties laid in a code of laws which, instead of operating as securities to Church and State, were dangerous to both. Their security was now their danger. The operation of those laws which constituted their security were the sources of great positive danger—urgent and imminent, pressing and immediate. Were they not, then, to go into the consideration of such a code of laws? The consideration of it was a positive duty. What was, then, to happen, if we neglected that duty? Would it not be, in addition, a pertinacious neglect of the recommendation of the House of Commons? Although, however, there had been what might, perhaps, be called a pertinacious resistance to the concession of those claims, and although it was not likely that at that moment their lordships would concur with the resolution of the Commons, he could not but derive sincere consolation from the temperate tone in which this discussion had been carried on. It was now nearly admitted by their lordships—it was in effect admitted by one whom he had the honour of seeing opposite to him, and who was a near relation of his, that such a state of things as the present could not long continue; and his opinion was favourable to an alteration, upon such conditions as might be adopted, and upon such as he would state. The first point the advocates of this proposition had gained, was the admission of the danger from the present state of things. The next was the proposal to receive securities to guard against any future dangers. His noble relative would require securities, and he should be among the first to concede every possible protection against danger, and to offer such securities as would satisfy the whole body of his majesty's subjects. He was far from treating with contempt the jealousy with which some noble lords watched over the safety of the Protestant interests. God forbid that he should have the presumption to state, that his noble and learned friend, who sat near him, was actuated only by prejudice, or that prejudice could have much effect upon such a mind as his. He had formed his opinion from long and intimate knowledge of the constitution of the country—between him and his noble friend there existed, on that point, an honest difference of opinion; but he should be sorry to undertake to say, that his learned friend was not more learned, on that particular state of the constitution, than any other man, from whom, whether in or out of the House, we required assistance in matters of legal opinion. He did not, therefore, impute prejudice to that noble and learned lord, and he was the less willing to do so, because he himself, when they came to a closer view of the subject, should not consent to any arrangement, without such securities being provided, as would fully satisfy his majesty's government and the people at large. He again declared his opinion, that the present laws, called securities, were positive dangers; and that the sooner we parted with them the better would it be for the empire. We were not, however, driven to the alternative of retaining them or losing all. We might have other securities; and not only that arrangement, but many others, were equally necessary for the interest of the Catholics as of the Protestants. It was essential, for the purpose of fully emancipating the Catholics, that they should give securities that would confer additional stability on the whole of the arrangements that might be made in their favour.

The Duke of *Wellington* said:—My lords, I rise under extreme difficulty to address your lordships on this most important subject. I feel particular concern at being under the necessity of following my noble relative, and of stating that I differ in opinion from him whom I so dearly love, and for whose opinions I entertain so much respect and deference. I cannot, however, consent to the view which he has taken of this subject, but shall proceed to state my own opinions; hoping that, in the end, the views of my noble relation and myself will not be found to differ in reality from each other. I wish as much as my noble relation can do, to see this question brought to an amicable conclusion; although I do not see the means of bringing it to that conclusion by this resolution, I agree with the noble and learned earl, who has recently addressed your lordships, that we ought to see clear and distinct securities given to the State, before we give our vote in the affirmative of this question. My noble relative says, that our security will be found in the removal of the securities which now exist. I say, that the securities which we now enjoy, and which, for a length of time, we have enjoyed, are indispensable to the safety of the Church and State. I should be glad to see the disabilities of the Roman Catholics removed; but, before I can consent to their removal, I must see something in their stead which will effectually protect our institutions. I feel exceedingly happy at the good temper and moderation in which this debate has been conducted, and your lordships may rely upon it, I shall say nothing calculated to disturb that desirable feeling; but it is impossible for me to avoid referring to some observations of noble lords who have preceded me in this discussion. The noble marquis who introduced the resolution now before your lordships, took occasion to refer to some expressions of mine uttered in a debate some years ago, respecting the state of Ireland at, of course, a previous period, and with particular reference to the claims set up for the restoration of confiscated property. When I alluded to those transactions I expressed my apprehensions that concession might lead to similar events. I believe, however, that I stated then, as I do now, that I was, as I am now, extremely anxious that something might be done—some mode discovered—by which this unfortunate state of things might be remedied; but I never said otherwise, than that I wished that it might be brought to an amicable conclusion. My lords, my own opinion is, that we have never objected to the Roman Catholics on the ground that they believe in transubstantiation, or in purgatory, or in any other of those peculiar doctrines by which they are distinguished—doctrines with which a right rev. prelate conceived it his duty to find fault. But, my lords, we objected to their opinions, because upon those opinions was founded a system of political conduct. I am now to consider this question, in which the noble marquis has put it as one of expediency; and I agree with a noble and learned lord in thinking, that we are bound to respect civil power and political right; but I am sure the noble and learned lord will agree with me when I say, that if it be expedient that this question should be granted, that civil power and that political right ought not to be exercised. The question then resolves itself into one of expediency; and I ground my opposition to it, not on the peculiar doctrinal points of the Roman Catholic faith, but because of the nature of the Roman Catholic Church government. I am sure I do not wish to say any thing that will be deemed invidious, or that will tend to hurt the feelings of any man; but when we recollect the transactions that have taken place in Ireland during the last twenty-five years, and see how the Roman Catholic Church has been acting there, in a spirit of combination, in a spirit by which the laity has been governed—it is this, my lords, I confidently affirm, that is the cause of the present disturbed state of things in Ireland. The noble marquis who opened the debate has talked of the power of the people, and of a powerless aristocracy in the country to which he referred—of a people guided and governed by demagogues, and by the priesthood; but, my lords, that is the consequence, not of the state of the law, but of that combination to which I have alluded. Your lordships are told, that the cure for all these evils is Catholic emancipation; but, in addition to emancipation, your lordships will also be obliged to give to the Roman Catholic Church the whole establishment of the Protestant Church; after which the country will still be exposed to the same evils which now prevail. My lords, we are told that there are securities, and I admit, from the first moment that this question was launched in this country—from the passing of the Union down to the present day, all those who have ever mooted this question in parliament, have always stated, that securities ought to be required; it is also perfectly true, that the right hon. gentleman, to whom the noble lord alluded, had ably stated in a letter, and I believe also in parliament, that securities must be required; but, at the same time, I believe that that right hon. gentleman never stated in the cabinet, or elsewhere, what, in his opinion, ought to be the nature of those securities. I have talked with those who were very intimately acquainted with that right hon. gentleman, and who had held frequent conversations with him on that subject, and I have never yet been able to hear what securities they were that he had in contemplation. My noble and learned friend on the woolsack has the history of all the securities which have been at different times proposed for the consideration of parliament; and he has also told your lordships, what is the fact, and which the noble marquis cannot deny, that the Roman Catholics have objected to all the securities which have been proposed. But a noble and learned lord tells us, that we ought to attend to what we hear in Ireland on this subject; but though he may know these things, I do not see how we, in this country, and in this House, are to get at them, or, indeed, how the people of England are to become acquainted with them. These things may be known to the noble and learned lord; but, I do not see what we can do but believe what we see; and he cannot therefore be surprised that we who feel strongly on this subject should wish to feel secure, as to the safety of the Church and the State, before we venture to proceed on such an experiment as this. Now, my lords, I cannot help saying, that I am very much afraid, from what has passed in the course of the debate, that it is not likely that we should come to an understanding on this subject. The Roman Catholic religion, in its nature, does not appear to be a religion adapted to the spirit of our government; and I must beg your lordships to observe, that in all the countries of Europe, the sovereigns have, at different periods, found it necessary to call upon the pope to assist them in the governance of their people. The Roman Catholic sovereigns, as much as three hundred years ago, obtained an instrument, or whatever it might be called, from the pope, by which they obtained that power which it was necessary for the civil government to have over the clergy of the country; and, besides this, these treaties all contained the means of obtaining that influence over the priests and the people together, without which it would have been impossible for the civil power to exist. The Protestant sovereigns who, subsequent to the French Revolution, obtained the possession of territories which, heretofore, had been in the possession of Catholics, found themselves obliged to obtain a bull from the pope, giving them the means of restraining the clergy of the Catholic Church; and I must, therefore, say, that we who look with something of jealousy at the Catholic subjects of the king in Ireland, have a little more to do than merely to go on with surmises; when the fact really is, that, until a concordat should be obtained, it will be found impossible to govern the Catholic subjects of that country, were any further concessions to be granted to them. That which I have been describing with respect to other countries is also the case with respect to the emperor of Russia. The Roman Catholic subjects of that potentate are governed by means of a concordat, the emperor having found it necessary, in spite of all his power, to apply to the pope for his assistance. This being the case, are we, then, to be told, that we entertain a more than necessary apprehension of the consequences we expect to arise from any alteration in Ireland? I, my lords, with many others, have recently read the ingenious publication of Mr. Gally Knight, and I certainly was astonished to find, that that gentleman appears to support the opinion, that this course, which has been adopted by the emperor of Russia, and elsewhere on the continent, ought to be carried into effect in this free country.

But against this, I see two very sufficient reasons:—In the first place, the sovereign of England is the head of the Church; and, in the second, as that head, we are bound to him by the Oath of Supremacy; by which oath we not only acknowledge his claim to that title, but the injustice of applying it to any other power. I am very desirous, my lords, that your lordships should examine, in detail, some of these concordats; and then see how far they can agree with the particular circumstances in which this country is placed, and which, it is said, call for such a proceeding on our parts. I happen to have in my possession, a concordat of the pope, which was procured by his majesty, as king of Hanover, with respect to his Hanoverian subjects. This instrument, my lords, is neither more nor less than a bull issued by the pope. By this bull, the kingdom of Hanover is divided into two parts; the one to the right, and the other to the left of the Weser. By this bull the pope makes over to the bishops all the jurisdiction of appointments and authority; and, in short, every jurisdiction that can, by any possibility, belong to a bishop.

The king, likewise, has agreed by it to pay the bishops certain salaries, to compensate them for the loss of lands that they formerly had for their support, and to defray all the expenses of establishing parochial clergy; so that there can be no doubt, whatever construction may be put upon it, that this concordat is, in fact, neither more nor less than the introduction of the Roman Catholic religion into the kingdom of Hanover. The same thing has likewise been done by the king of the Netherlands in the Low Countries—a Catholic bishop having been admitted into the town of Amsterdam. What I want the House to advert to, now that it is in possession of these facts, is this—that it is impossible for England to make any such arrangement as this with the pope. That no other arrangement can be made, I will not take upon me to say; I will not say that an arrangement cannot take place, under which the king shall have the power to nominate the bishops, and likewise to control the intercourse with the see of Rome. But I will say, that to enable the see of Rome to appoint the bishops to the dioceses in Ireland will be impossible under the present constitution of the country. I was anxious to draw your lordships' attention to this particular part of the subject, because it will require arrangements, if it becomes necessary to enter into any further discussion on this proposition. What we do must be done by legislation; and, although legislation has not effected this hitherto, I trust, if it shall be deemed necessary, we shall do it fearlessly.—My lords, I certainly felt anxious not to have addressed your lordships at all on this subject. I have, however, now expressed my opinion on it: and I am, therefore, again anxious to impress on your lordships' attention, how desirable it is that a discussion on a question of this description should not have been entered into, as it must necessarily lead to no certain result, and tend to disturb the public mind, without our being able to come to any decided conclusion. There is also one fact respecting the state of things in Ireland, to which I should wish to call your lordships' attention. From 1781 to 1791, during which period many troublesome questions with respect to that country were discussed, the Roman Catholic question was in fact never heard of; and, so little was the question thought about, that when my noble and learned friend (lord Redesdale) brought into the House of Commons, at that period, a bill respecting the Roman Catholics of England, it is a remarkable fact, that the then lord lieutenant of Ireland was not only not consulted on the subject, but actually did not know of it until the bill was brought into parliament. So little did the Catholics of Ireland disturb the public mind at that moment, that the question was allowed to pass quietly by, almost without comment. If the public mind was now suffered to be thus tranquil —if the agitators of Ireland would only leave the public mind at rest—the people would become more satisfied, and I certainly think that it would then be possible to do something.

Lord *Redesdale* said, that the bill he had introduced into parliament had been passed in the hopes that it would prove sufficient to allay any uneasiness in this country; and he thought the measure better calculated to produce that effect than any other. The first emancipation that the Roman Catholics of Ireland stood in need of was an emancipation from the tyranny that was exercised over them by their clergy.

The Marquis of *Lansdowne* said:—My lords, I shall forbear troubling your lordships at any great length in reply. In what has fallen in the course of the debate, there have been many things that have encouraged me, in my view of the subject. In the first place, I collect this encouragement from the tone of the whole debate. I have also collected encouragement, not only from the supporters of the proposition, but from the suggestions furnished by the very enemies of the cause. I have even collected encouragement from the hints, cautions, and hesitations, which fell from the right reverend bench; and most of all, I have collected encouragement from that important admission from the noble lord on the woolsack, that he was aware of a great difficulty existing, and out of which he at present saw no outlet. This admission has since been confirmed by the noble duke; so that it will not now be denied, that the Catholic question has reduced this country to a state of great difficulty. This statement having been made by two noblemen so high in the confidence of the sovereign, it almost necessarily follows, that it is accompanied with their intention of looking at this difficulty, with a view to its final arrangement [cheers]. Because, when the proposition that I make, which merely calls on them to consider the best way of extricating the country from the difficulty which they themselves admit, is negatived by them, they cannot act thus without intending to bring forward some measure of their own. I therefore think that the learned lord on the woolsack, and the noble duke, must have some such intentions as I have ascribed to them; because no one knows better than they do the danger of holding out expectations which cannot be realised. What is to be the course if noble lords refuse us the privilege of considering this measure? Are we to look to the proscribed Catholic Association, to be told how we are to discharge our duties? This is a question, the difficulty of which none now attempt to dissemble; but, because this is so, are we to be deterred from it by the state of Ireland; or, in other words, are we to be deterred from it by the symptoms of the disorder itself [cheers]? I think, my lords, that we should not be deterred by such symptoms, because, I cannot flatter myself that those symptoms will be allayed, until some proposition, emanating either from government or from parliament, shall be brought forward; by which the Protestants, as well as the Catholics, of the country may be enabled to rally round, and give effect to, the passing of such a law as may be satisfactory to all parties. The noble duke has said, that there is something in the state of Ireland which will prevent her from receiving the same arrangement that has proved sufficient in other Catholic countries; but that this does not arise from the state of the law, but from the peculiar combination which existed between the Catholic laity and clergy. But, I ask what it was that originally produced this combination? And I confidently answer—the state of the law. It is the state of the law that has driven the laity into the hands of the clergy: it is the state of the law that has knitted the bonds between them: dissolve the law, and you will dissolve this union, as far as any mischievous purpose is concerned, and you will likewise obtain the cordial support of all his majesty's Catholic subjects. When we are told, that any arrangement on this subject must depend on the moderation, temper, and character of the Catholic body itself, I beg your lordships to remember, that it is not between two powers that you are called upon to legislate; you are the legislators of an empire—Protestant and Catholic; and I, for one, will never consent to treat on this subject with the Catholics, but as an independent body. They are the king's subjects, as much as the Protestants of the realm—steady and loyal, and ready to receive the law from your hands, as soon as they shall learn that their claims are to be admitted. I trust that government will deem it wise to adopt such a course as this; and, when they shall have made up their minds as to what security they may require, consistently with the essential character of the Roman Catholic religion, and with the constitution of this country—when they shall have made up their minds on this proposition, and have fairly submitted to parliament the measure they may propose, I am persuaded that such a course of policy will speedily dissolve the strength of that fatal combination, which is nothing but an irritation; but which, at the same time, can only be remedied by that which it is within the power of parliament to administer. I implore your lordships not to cease to give your attention to this important subject. I shall certainly take the sense of the House upon the motion; feeling confident, that, though defeated now, the discussion which has taken place may be looked upon as a promise of future success.

The House then divided—Contents, present 92; Ditto, proxies 45—137.—Not-contents, present, 123; proxies, 58—181: Majority against the motion 44.

List of the Majority, and also of the Minority.

MAJORITY—PRESENT.

Dukes.
Cumberland
Richmond
Beaufort
Leeds
Manchester
Dorset
Newcastle
Wellington

Marquisses.
Winchester
Salisbury
Bath
Thomond
Exeter
Ailesbury

Earls.
Bathurst (lord President)
Westmorland
Stamford
Winchilsea
Shaftesbury
Abingdon
Dartmouth
Plymouth
Scarborough
Aylesford
Macclesfield
Pomfret
Ashburnham
Guilford
Norwich (Duke of Gordon)
Talbot
Digby
Mansfield
Longford

Enniskillen
Romney
Manvers
Orford
Chichester
Lonsdale
Harewood
Verulam
Brownlow
Bradford
Beauchamp
Eldon
Falmouth
Powis
Stradbroke

Viscounts.

Bolingbroke
Sydney
Sidmouth
Lorton
Lake
Exmouth
Beresford

Barons.

Lyndhurst
De Clifford
Audley
Willoughby de Broke
Teynham
Byron
Sinclair
Hay
Colville
Boston
Hawke
Dynevor
Bagot
Grantley
Walsingham
Rodney
Carteret
Montagu
Kenyon
Fisherwick (Donegal)
Douglas
Rolle
Northwich
Bayning
Ribblesdale
Dufferin
Redesdale
Lilford
Arden
Sheffield
Manners
Ross (Glasgow)
Colchester
Ker (Lothian)
Delamere
Forester
Bexley
Penshurst(Strangford)
Ravensworth
Farnborough
Feversham
Tenterden
Stuart of Rothesay
Heytesbury
Clanwilliam
Wallace
Skelmersdale

Archbishops.

York
Tuam

Bishops.

London
Durham
Winchester
Salisbury
St. Asaph
Ely
Bath and Wells
Lincoln
Glocester
Chichester
Chester
St. David's
Oxford
Bristol
Carlisle
Llandaff
Ossory
Clonfert

PROXIES.

Earl O'Neil
Earl of Mount-Edgcumbe
Lord Wodehouse
Lord St. Helen's
Bishop of Peterborough
Bishop of Bangor
Bishop of Hereford
Duke of Clarence
Earl Poulett
Lord Le Despenser
Lord Rivers
Duke of St. Alban's
Bishop of Exeter
Lord Stowell
Lord Gray
Lord Wigan (Balcarras)
Lord Farnham
Lord Middleton
Earl of Cardigan
Lord Saltersford (Earl Courtown)
Earl of Home
Lord Carbery
Earl of Doncaster (Duke of Buccleuch)
Earl of Moreton
Marquis of Cholmondeley
Lord Clanbrassil (Roden)
Earl of Mountcashel
Bishop of Lichfield
Lord Wemyss
Earl of Malmesbury
Marquis of Hertford
Earl of Rochford
Earl of Abergavenny
Earl Graham (Duke of Montrose)
Lord Brodrick (Middleton)
Earl Nelson
Bishop of Worcester
Viscount Strathallan
Lord Saltoun
Lord Loftus
Lord Fife
Earl Charleville
Lord Gort
Earl of Chatham
Earl Stanhope
Earl of Egremont
Earl Strange (Duke of Athol)
Earl Cathcart
Duke of Northumberland
Earl of Carrick
Earl Harcourt
Ld.Meldrum(Aboyne)
Lord Harris
Earl Forbes
Lord Gambier
Earl of Mayo
Earl of Brook and Warwick
Lord De La Zouch
Archbishop of Canterbury

MINORITY.—PRESENT.

Dukes.

Sussex
Glocester
Somerset
Devonshire

Marquisses.

Conyngham
Queensberry
Lansdowne
Bute
Camden
Bristol
Cleveland

Earls.

Denbigh
Chesterfield
Thanet
Essex
Carlisle
Jersey
Rosebery
Ferrers
Tankerville
Cowper
Ilchester
De Lawar
Radnor
Hilsborough (Downshire)
Clarendon
Grosvenor
Carnarvon
Charlemont
Wicklow
Lucan
Belmore
Rosslyn
Wilton
Limerick
Gosford
Grey
Harrowby
Minto
Morley
Vane (Londonderry)
Dudley
Cawdor

Viscounts.

Leinster (Duke of Leinster)
Maynard
Duncan
St. Vincent
Melville
Anson
Hood
Gordon (Aberdeen)
Goderich

Barons.

Dacre
Clinton
Howard de Walden
Saye and Sele
Ellenborough (Privy Seal)
Clifton (Darnley)
Gower
Napier
Belhaven
Boyle (Cork)
King
Montford
Grantham
Holland
Foley
Southampton
Braybrooke
Auckland
Mendip (Clifden)
Selsey
Dundas
Dawney (Downe)
Calthorpe
Gwydyr
De Dunstanville
Wellesley
Fitzgibbon (Clare)
Alvanley
Mount-Eagle (Sligo)
Breadalbane
Hill
Ormonde (Marquis of Ormonde)
Somerhill (Clanricarde)

Ranfurley (Northland)
Warncliffe
Seaford
Plunket
Melross (Haddington)
Durham

Bishop.

Rochester

PROXIES.

Earl of Buckinghamshire
Viscount Granville
Lord Erskine
Marquis of Stafford
Lord Grenville
Lord Crewe
Earl of Kingston
Earl of Caledon
Lord Berwick
Duke of Buckingham
Duke of Bedford
Earl of Albemarle
Viscount Hutchinson
Earl of Oxford
Lord Sondes
Earl of Waldegrave
Lord Lynedoch
Lord Ponsonby (Besborough)
Lord Howard of Effingham
Lord Hopetoun
Earl of Fortescue
Lord Abercromby
Duke of Portland
Lord Carleton (Shannon)
Earl of Erroll
Earl Fitzwilliam
Bishop of Norwich
Viscount Hereford
Lord Churchill
Lord Lauderdale
Earl Spencer
Duke of Grafton
Lord Yarborough
Earl of Derby
Earl Cornwallis
Earl of Hardwicke
Lord Suffield
Earl Somers
Duke of Marlborough
Earl of Suffolk and Berkshire
Lord Sherborne
Earl of St. Germain's
Lord Ducie
Earl of Elgin
Lord Carrington

PAIRED OFF.

Lord Ailsa (Earl of Casillis)
Duke of Rutland

HOUSE OF COMMONS.

Tuesday, June 10.

CORPORATE FUNDS.] Mr. *Otway Cave* rose, to move for leave to bring in a bill to prevent the application of Corporate Funds to Electioneering Purposes, and began by stating that his measure would resemble that which an hon. and gallant colonel (Maberly) had introduced last year. He rested his motion solely on the ground, that for a corporation to apply part of its funds to promote the return of a particular candidate, was an illegal interference with the privileges of the House. It was scarcely necessary for him to do more than to recal the attention of members to the leading facts detailed by his hon. and gallant friend; one of the main features of the case being the resolution of the corporation of Leicester to devote 1,000*l.* of the money with which they were intrusted to procure the return of a candidate, who, partaking of their political opinions, would represent their interests. He would not enter into the history and origin of corporations, but he apprehended that no man would aver, that they were instituted for such a purpose as that which now brought the case of Leicester particularly before the House. His hon. and gallant friend had shewn, that one part of the funds of the corporation was granted for charitable, and another part for general, purposes: he had quoted the opinion of sir S. Romilly in reference to the latter, and had argued, that if the minority, consisting of the members of the corporation of a borough, could thus dispose of the money belonging to the majority, there was no earthly reason why the corporation should not vest in themselves and their heirs for ever all the property of the borough. This case last year had been put hypothetically, but it had actually occurred at Rye; and the hon. member read from a newspaper the instrument by which about six corporators had invested themselves, in the year 1759, with the funds and lucrative offices of the borough, which they and their successors had ever since enjoyed. His hon. and gallant friend had likewise shown, from the indisputable authority of sir W. Blackstone, what were the corporate purposes to which the monies intrusted to corporations were applicable. He would not now go further into that point than to state, that this species of perversion was not cognizable, not punishable in a court of law. There was no forum competent to punish and to prevent the repetition of the offence. Such had been the statement of his hon. and gallant friend, and he firmly believed he was right, because the corporation of Northampton, whose conduct had given rise to the proceeding of last year, had consulted three counsel, who had given their opinion that, under such circumstances, a corporation could not be brought to account. Supposing, however, that the misapplication was cognizable in the court of Chancery, where could be found the individual, from his own resources, to contend with a corporate body? And if such a public-spirited man were found, where was the hope, in the present constitution of the court of Chancery, that the cause would be terminated in the life of the person who began it?—As he had already remarked, he put it both on the instance of Northampton and of Leicester, upon the ground that the expenditure of a large amount of the corporate funds, for the purpose of securing the return of a particular candidate, was an infringement upon the privileges of the House of Commons, and sufficient to warrant its interference. In the case of Northampton the fault was double; first, the corporation had been guilty of a breach of duty as corporators, and next, of the privileges of parliament. It was, he contended, the business of the House to interpose for the assertion of its own privileges, even if there had been any court of concurrent jurisdiction where the offence was cognizable. The House might, for instance, direct the Attorney-general to file a bill, without, in its paramount jurisdiction, interfering with its own right to punish the offence against its privileges.—He would take the liberty of drawing the attention of members to the Limerick case, which was first before the Irish House of Commons. It appeared that 800*l.* had been expended to promote the return of colonel Vereker, and the facts afterwards came before the House of Lords. A demurrer was entered to the right of that House to interfere, but the objection was over-ruled, and a declaratory bill was passed, that the lord Chancellor had jurisdiction over the charitable funds of corporations.—He begged the House to consider, that the bill for which he now moved would be by no means unimportant in its general results. First, as to Northampton, the returning officer was a member of the corporation: and what impartiality could be expected in his decision, when he had already committed himself, as far as his opinion was concerned, in voting for the illegal expenditure of the corporate funds? What a slur it cast upon the whole election, and how much it must lower the corporation in the eyes of the public! But a much larger consideration was also involved; it raised a question, whether electioneering dealers and borough-jobbers were to have the uncontrolled direction of sending members to parliament, and thus rule the destinies of the nation? By being allowed, by means of their money, to send to parliament representatives of their own political notions, corporations might, in fact, govern all the rest. He agreed in the maxim of the constitution, that rank, wealth, and respectability, ought to have their due influence; but what chance had a man of rank, wealth, and of unquestionable respectability, against a corporation expending the funds of a public body? Whether his opinions were ministerial or otherwise, was of no consequence to the argument: he must give way before such a body, exercising these unparalleled powers, not recognised either by the letter or spirit of the constitution, or of their own charters.—Having disposed of the cases of Rye and Northampton, he now came to that of the borough of Leicester. Nearly a year after the last election, a charge was brought by the borough against a candidate—and he was himself that candidate—through their official organ, the town-clerk, that he should contribute his share of the expenditure of 27,000*l.*; for that was the sum devoted to procure the return of a member at Leicester, and not merely 1,000*l.* as at Northampton. Whether, fortified by that example, they improved upon the original, it was not for him to determine; but certain it was, that the claim was made. It was, perhaps, neither delicate nor proper, that he should enter into that point: he might leave it to his hon. colleague, more intimately connected with the corporation, who might give the House the information. For his part, he only knew that the charge had been made. The corporation allowed that he (Mr. O. Cave) had spent 16,000*l.* on the election; but, altogether, they calculated that 41,000*l.* had been laid out, and they came upon him for 4,000*l.*, calculated to be his proportion of the difference. In what these consisted he could not say, perhaps his hon. colleague could. The inhabitants complained of a grievous borough-rate, and perhaps that demand involved the solution of the mystery. Whether this odious and oppressive tax was meant to be levied for the purpose of reimbursing the corporation for the expenses of the last election, or of providing a fund for future misapplication, he could not say; but his colleague, who was more connected with them than he was, might be able to give the House some interesting information on this point. While upon this part of the subject, he could not help complaining of the want of courtesy of his hon. colleague, in presenting a petition affecting him (Mr. Cave) personally, in such a manner that the Speaker interfered to prevent the allusions from being read, without giving him the slightest notice of his intention; and he had the same complaint against the hon. member for the county of Leicester, for the course he had taken on that occasion—a course utterly inconsistent with those frank and honourable feelings, which he had so pompously professed on a late occasion, and with the obligations, of even more than a political nature, which he had privately and publicly acknowledged. As he presumed the House had not altered its opinion since last year, the present bill was exactly a copy of the former. The only objection he had heard to that bill was, that it was not sufficiently strong; but he conceived the object of the House was, not to inflict punishment on any particular corporation for what they had, perhaps, done inadvertently; but to prevent the recurrence of similar malversation of corporate funds. There were two objections to his bringing forward the motion at the present moment. There was another branch of the legislature to which it would be unparliamentary to allude more particularly, who had lately thrown out almost all the bills sent up to them. The fate suffered by the Game-bill, the Corn-bill, and the Penryn-bill, had been shared also by the Northampton bill; and, therefore, in the present tone and temper of that House, it was the opinion of some of the zealous supporters of this bill that this was not the right time to press it. He had no hesitation in saying, that this argument weighed with him directly the reverse way. This was a question peculiarly concerning the privileges of that House; and he was sure, if they had any sense of pride—if they were not prepared to abandon their privileges and prostrate them at the feet of another branch of the legislature, less connected than that must necessarily be with the feelings and rights of the people—that dignified assembly of hereditary legislators would find it necessary to yield. That, he was convinced, would be the result, if that House persisted temperately and calmly to bring forward this case of crying grievance; involving a flagrant violation of the rights and privileges of the House. He was satisfied that the other branch of the legislature would not deny all hope of redress for a grievance which affected the independence of the House. If that other branch of the legislature, which it was not proper for him to name, was not prepared to act merely as a drag on the wheels of the State-machine, but was disposed to erect itself into an insuperable barrier against every measure of constitutional improvement, and not only against every measure of constitutional improvement, but even against every other institution in the State, the sooner the people knew that the crisis was come the better—the sooner they were aware what they had to expect from the other branch of the legislature the better. It was peculiarly unfortunate that this should happen at the very moment when a trial was making by a certain party in the State to give "one cheer more," in honour of their expected return to power, and of the expulsion of those liberal, disinterested, and patriotic ministers, to whom the country looked for the continuance of that line of policy which was essential to its prosperity.

Mr. *Legh Keck* said, he was not acquainted with the contents of the petition which had been presented on a former occasion, and withdrawn on account of informality. He had further to say, that he was not acquainted with the merits of this particular case at that time, and that he still remained ignorant of them.

Sir *C. Hastings* said, his hon. colleague had complained of his conduct in presenting a petition the other day from the corporation of Leicester, without informing his hon. colleague of his intention. But the hon. gentleman should remember, that his charge against the corporation was of a severe nature, and that the House had no documents before it to enable it to judge of its propriety. Therefore the corporation had intrusted him with the petition to present in their defence; but, as it turned out, on reading it, that there was an irregularity in it, he had withdrawn it. The charge related to the expenditure of money in the last contest for the representation of the city; and he understood that the corporation had called on his hon. colleague for a certain sum, to defray his proportion of the expense; but his hon. colleague had not thought fit to answer the call made upon him. He would not object to the introduction of the bill; but he would give it his decided opposition, as an infringement of the rights and privileges of corporations, not justified by any necessity.

Mr. *Ross* was thoroughly convinced that the vote of money by the corporation was perfectly legal.

Mr. *Fyler* said, he would give his decided opposition to the bill in all its stages.

Mr. *S. Rice* said, he would support the bill, not on account of the particular cases of Leicester or Northampton, but upon the great constitutional principle which had been always asserted in that, and in the other House of Parliament. A bill founded upon that principle had been passed last session through that House. That bill was read a second time in the Lords, and was only lost there on the third reading. The principle, then, that corporations should not be allowed to divert their funds to electioneering purposes had been already sanctioned by this portion of the legislature. There were at that moment two great corporations in this country—the Bank of England and the East-India Company—whose charters would expire in the course of a few years. Now, if these corporations were permitted to employ their funds for electioneering purposes, was it not possible that at the next general election they might employ them so as to influence the decision of that House, regarding the renewal of their respective charters? Corporations, in many cases, held their funds in trust for public purposes; there were some cases where they held them for private and individual purposes; but, if they were allowed to employ them for electioneering purposes, it would be difficult to decide whether it was the one species of funds or the other which they employed for such objects. Public opinion afforded some security against a private individual employing funds for corrupt or improper purposes; but that security did not exist in the case of corporations. He should support the bill as a very necessary measure.

Mr. Secretary *Peel* said, that a bill of this description having, last session, passed that House, was a sufficient reason why the motion should be received. He should not, however, pledge himself not to oppose this bill in its future stages. Whatever had been done with the former bill in the other House, should not enter into their consideration now. Last session, a charge had been preferred against a corporation, of having diverted charitable funds intrusted to their care, to the purposes of an election. A more serious charge could not be preferred; but he believed it was satisfactorily refuted.

Sir *F. Burdett* said, he should support the bill, which was founded upon an excellent principle.

Leave was given to bring in the bill.

Pensions on the Civil List.] Mr. *Hume*, in rising to bring forward his motion, "to take into consideration the expediency of revising the Civil List, as far as regards the sums now appropriated to the payment of Pensions on his Majesty's Civil List in England, Ireland, and Scotland, with a view of reducing the same," said, he was aware of the delicacy which was, on all occasions, inseparable from the consideration of the Civil List, and it was only a sense of duty which had induced him to bring the question forward on the present occasion. He wished to bring it before the House, in order that the House might deal with it as it had frequently done before. In using the name of his majesty, he should always evince towards it that respect which was due to the first executive magistrate of the country. If he were not much mistaken, his majesty, if he were in the situation of his ministers, would not object to a motion of this description; and he was strengthened in that opinion, when he recollected the many acts of kindness which had been exercised by the king towards his people, in periods of distress. He was sure that, if his majesty were satisfied, that the object of this motion was to relieve the sufferings of the country, by a reduction of unnecessary expenses, he would not object to it. On the last occasion upon which he had addressed the House upon this subject, he had been induced to do so, in consequence of the grant made to the family of Mr. Canning, and the motion which had been then carried for a return of the amount of pensions chargeable on the Civil List, had not, for what reason he did not know, been complied with. Those papers, which it would not occupy six hours to make up, had not been laid on the table of the House, and they must therefore proceed to the consideration of the subject, ignorant of the state of the Civil List as it at present stood. Under these circumstances, he was obliged to recur to the prior accounts which had been laid on the table of the House. One of the first acts of his majesty, at the commencement of this session, was to direct the attention of the House to the expenditure of the country, with a view to its reduction. In obedience to that direction, the committee of Finance had been appointed. At an early period after the appointment of that committee, he (Mr. Hume) had endeavoured to ascertain, whether it was their intention to take the Civil List into consideration, and he gathered it to be their general opinion, that such a subject did not come within the trust imposed upon them. As the House had voted 3,000*l.* a year to the family of

Mr. Canning, they were bound to make up for that amount by a retrenchment in the Civil List. It had been said, that that House should not interfere with the Civil List; but, during the late reign, eight acts of parliament had been passed on the subject; and by each of them, an alteration had been made in the amount of the Civil List. That, too, had been done with the concurrence of the ablest men of the day. He had already put the House in possession of the opinions of Mr. Fox, Mr. Burke, and sir F. Norton on this subject. On a later occasion, the late lord Castlereagh expressed a similar opinion. In bringing in the bill in 1816 for regulating the Civil List, he had said, that the greater portion of these grants was as completely in its nature an expenditure for the service of the country, as the grants made for the army or navy, or for any other public service of the country. If that were the case, who would say that that House had not a right to regulate the expenditure of the grants made on this list? He held in his hand a pamphlet which gave a distinct account of the various items of expenditure connected with the Civil List for the fifteen years subsequent to 1812. It even specified the oils and pickles which were used in the lord Chamberlain's kitchen. He felt himself warranted, therefore, in saying that this House had a right to inquire into, and to control, the expenditure of the Civil List. By the 1st of George 1st, the Civil List was limited to 800,000*l.* a year. By the 17th of George 3rd, c. 21, an addition was made to it of 100,000*l.* By the 22nd of George 3rd, called Mr. Burke's bill, the Civil List was increased by 50,000*l.*, making its total amount 950,000*l.* By the 44th of George 3rd, it was further increased by the addition of 70,000*l.*, and it then amounted to 1,020,000*l.* By the 52nd of George 3rd, it was further increased to 1,090,000*l.* In 1816, when the Civil List was last settled, it amounted to 1,083,000*l.* By the 59th of George 3rd, the House reduced the amount of the Civil List to 985,720*l.* In the course of his late majesty's reign, the House was frequently called upon to pay debts arising out of the Civil List. In 1769, 513,000*l.* was paid on that score. In 1777, the House voted 618,000*l.* for the same purpose; in 1784, 60,000*l.*; in 1786, 210,000*l.*; in 1802, 99,000*l.*; in 1804, 59,000*l.*, &c. In this way, 3,113,000*l.* had been voted by this House. If, then, the House had the power to add to the Civil List, it followed of consequence that they possessed the right to reduce it, whenever it should seem fit to do so. He did not include the droits and other sums which had been voted—amounting to about a million and a half, and which swelled the total amount to five millions and a half that had been voted by that House to defray the extra charges upon the Civil list. 1,057,000*l.* was the total amount of the Civil list, which was now regularly charged upon the consolidated fund. In 1821, that House agreed to address his majesty, requesting his majesty to direct an inquiry into the expenditure of the country, for the purpose of making a reduction in salaries and expenditure, in some degree correspondent with the reduction that had taken place in the value of money. On the 22nd of June in that year, the chancellor of the Exchequer reported to the House, that his majesty had given directions to have a strict inquiry instituted, upon the principle laid down in the address from the House. A similar principle was contained in the recommendation of his majesty, upon the first day of the present session; and it was upon that principle that the Finance Committee had been appointed. It was high time that they should endeavour to reduce the expenditure of the country. Within the last four years, upwards of 1,200,000*l.* had been spent upon Buckingham palace, and the improvements in the other palaces. In 1796, the whole of the Civil List, with the various sums chargeable upon the consolidated fund, amounted to 1,030,000*l.* This year, it amounted to 2,472,000*l.* When they looked at the enormous increase which had since taken place in the amount of the debt, and the interest of the debt, they must perceive the necessity that existed for reduction. In 1792, all the miscellaneous services, the army, the navy, &c., cost but 4,380,000*l.*: they now amounted to upwards of 19,000,000*l.* Now, therefore, was the time to retrench all unnecessary expenditure. A large portion of this grant, which he was desirous to have reduced, was applied to the maintenance of hundreds of idle and useless persons. It appeared, according to the returns made in 1821, that 202,000*l.* were chargeable as pensions upon the Civil Lists. These pensions, which had been intended solely for meritorious persons, were given as the wages of corruption, to the individuals upon whom they were bestowed, or their connexions. The nett revenue of the country might be stated at 50,000,000*l.* When the expenditure connected with the debt was deducted from that, they had but 21,000,000*l.* left to support all their establishments, and to defray the entire expenditure of the country. From that 21,000,000*l.* were to be taken upwards of 6,000,000*l.* of dead-weight. There then remained but 15,000,000*l.* applicable to the exigencies of the state. There was, under such circumstances, no hope for the country, unless they set earnestly about the work of retrenchment. It was with that view he now called on the House to inquire into the state of the Civil List, for the purpose of reducing it. In other words, he was desirous to prevent the granting of further pensions on that list, in order to save the amount of those which should fall annually upon the Civil lists of England, Scotland, and Ireland. He wished to know why the sum of nearly 400,000*l.* was appropriated to the lord Chamberlain, the lord Steward, and the Master of the Horse? Surely it was impossible that such a sum could be necessary, or properly expended. The hon. gentleman concluded by moving—"That this House do resolve itself into a Committee of the whole House, to take into Consideration the Expediency of revising the Civil List, as far as regards the sums now appropriated to the payment of Pensions on his Majesty's Civil List in England, Ireland, and Scotland, with the view of reducing the same."

The *Chancellor of the Exchequer* said, it appeared that the hon. gentleman wished to bring under discussion the arrangement which had been entered into with his majesty at the beginning of his reign, and which, in every constitutional point of view, was then, and ought still to be, considered a final settlement of the Civil List, unless the Crown deviated from its part of the compact; and, by suffering an arrear to accumulate, was obliged to come to parliament for assistance. He would say, with the hon. gentleman, that this question had little to do with the feelings of his majesty. It was in that House a rule, and a very proper one, that we should forbear from mentioning matters personal to the sovereign. Keeping that rule in view, he would not enter into what might be supposed to be the feelings of the Crown on this subject; but he would resist the motion, because he conceived it to be at variance with that wholesome rule of the constitution, which set down as final the arrangement made with the Crown at the beginning of a new reign. The hon. gentleman had endeavoured to inculcate a contrary principle, and, in doing so, had made frequent allusions to the debates on this subject, particularly to that which occurred in 1816, when the late lord Londonderry had said, that the Civil List stood precisely on the same principle as the pensions for the army and navy. Now, he knew so well the character of that noble lord, that he could not suppose he had ever lent himself to such a statement. Indeed, there was, in the expression itself, something so manifestly absurd, that he was obliged to conclude that it had never been uttered. He had no doubt that the words of lord Londonderry were, that "it was as much a point of public duty with that House to provide for the Civil List, as it was to maintain the army or the navy." That was a position of an entirely distinct character. The hon. gentleman had stated, that eight acts had passed in the reign of George 3rd, each of which referred to the Civil List, and altered the amount of it. But did the hon. gentleman, in making this statement, give a fair representation of the circumstances? Certainly not. Was it not, in each of these cases, an application on the part of the Crown for an increase of allowance, that occasioned the interference of parliament?—The hon. gentleman had informed them that, in 1812 and 1816, the House went through all these establishments; and he urged this as an argument in support of the present motion. Here again he gave an interpretation of the case, as unfair as could be imagined. In 1816, it was found necessary, in consequence of heavy expenses which had been incurred, to revise the whole system, and to separate from the Civil List a number of onerous, undefined, and constantly increasing charges, and to calculate what should be the amount of the list, as nearly as possible, beforehand. With the view of effecting that object, it had been divided into classes, and it was then stipulated, that whenever any arrear occurred, be it ever so small, it should be brought forward for the consideration of parliament. As the Crown had not, in the course of this reign, made any application to parliament for an augmentation of the Civil List, and as they had no reason to suppose that the amount of expenditure exceeded the sum allowed, the proposition of the hon. gentleman was at variance with every precedent of parliament. The hon. gentleman had referred to Mr. Burke and Mr. Fox, in support of his proposition; but really he did not know where the hon. gentleman found set forth the doctrine he attributed to them. He knew that Mr. Fox said in that House, that "the Civil List was not open to the revision of parliament, unless the Crown came down to the House for an augmentation of it." And he believed there was not an eminent man who had not held the same doctrine. When the Civil List was settled at the beginning of the present reign, that principle was maintained by individuals of all parties. The right hon. member for Knaresborough (Mr. Tierney) expressed himself strongly on this point in 1820. He said, "they were now called upon to make a final arrangement, so final, that, after making it, they would be told, if they attempted such a thing, that it was indecent to revise it. As this was the case, it became the more necessary that they should proceed with caution." The hon. gentleman seemed to shut out of view the plain but important fact, that the Civil List was a bargain between the Crown and the people. Both conceded something. The king gave up the hereditary revenues, and the parliament, in return, voted a grant sufficient to maintain the necessary splendor of the Crown. This, then, was a solemn compact on both sides, and he never would agree to break it. The hon. gentleman had talked much about the economy which would result from such a revision. But this was not a question of economy. If parliament had acted on the wise principle of giving to the Crown a permanent settlement, no plea of economy should tempt them to break their engagement. But the effect of breaking through this arrangement would not be of an economical character. It would be the means of causing constant attempts to be made, not only for the reduction of the Civil List, but for its augmentation. And, knowing that the people of this country were sincerely attached to the monarch—knowing that they did not view with jealous eyes whatever was granted to him for the support of his honour and dignity—he believed that the infringement of the existing arrangement would rather lead to an increase of the burthens of the country than to a reduction of expense. On these grounds, he should resist the motion. No history which the hon. gentleman might furnish them of the expenses of his majesty's larder, or his stable, or kitchen, should induce him to recommend to parliament any alteration of the existing arrangements.

Mr. *Huskisson* said, his right hon. friend had taken a very correct view of the nature of the Civil List. He had, in his opinion, sufficiently illustrated the position, that it was not possible, without breaking through an arrangement, and putting the public to great inconvenience, to resume, during the present reign, any interference with that compact. The preamble to the act put an end to this question. He did not mean to say, that parliament, in its omnipotence, might not undertake any thing; but, in this instance, they could not accede to such a motion, without breaking the agreement between the Crown and the public. Now, he thought that if they did break that compact—if the door were thrown open for the reclamation of the hereditary revenues—the country would not be the gainer. The doctrine brought forward that night had been reprobated by all the authorities on every side of that House. The hon. member had noticed the proceedings of 1812 and 1816. Why, on both those occasions, the Civil List was brought under their consideration, because the Crown had applied to parliament for assistance. On those occasions, the House certainly did receive that valuable information contained in the large volume referred to by the hon. member, relative to the expense of the larder, the kitchen, the stables, &c. He (Mr. Huskisson) had stated, on a former occasion, that he would not consent that the bins of his majesty's stables should be inspected to see what portion of oats was consumed from day to day; but, when he said that, he admitted, that if the Crown requested aid for the Civil List, then parliament had a right to inquire under what circumstances the debt had been incurred. But the hon. gentleman had gone further than he expected any individual would have done, when he called for a return of pensions chargeable on the Civil List, in order that he might see whether any of them were improperly granted. Now, the hon. gentleman had no more right to make such a demand, than he had to call upon the hon. gentleman, for a sight of his banker's book, that he might judge whether his personal expenses were or were not such as he was willing should be seen. The hon. member had gone through the history of the Civil List at great length. He was extremely fond of selecting some particular year, and comparing the expenditure of that year with the present expenditure. He generally selected the year 1792; but he could wish him to look to the revision of the Civil List in 1782—a period of as great difficulty as ever this country was involved in. They were then without any adequate revenue to meet the charge of the national debt, and in the midst of a most disastrous war. At that time, parliament revised the Civil List; and he should like the hon. gentleman to look to the amount of pensions then.—The hon. gentleman had spoken of the dead-weight, and of various other charges, to the amount of 5,500,000*l.*; all which he wished, invidiously, to throw on the Civil List and the Crown. The hon. gentleman said, he was anxious to have these accounts, that the expenditure might be revised, and placed on the foundation of 1792. But he would call the attention of the hon. gentleman to the state of the Civil List in 1782. At that time, although the country was suffering under the pressure of the most severe distress, the pensions on the English Civil List amounted to 140,000*l.*; on the Irish Civil List, to near 100,000*l.*; on the Scotch Civil List, to 70,000*l.*; and the 4½ per cent fund was loaded to the utmost amount it could bear. Now, the pensions on the English Civil List were reduced from 140,000*l.* to 90,000*l.*; on the Irish Civil List, from near 100,000*l.* to 50,000*l.*; on the Scotch Civil List, from near 50,000*l.* to 25,000*l.*; and the 4½ per cent fund was no longer chargeable with any pension whatever. So that, of those funds from which the Crown rewarded meritorious services, or disbursed charity, or ministered to misfortune, and which were liable to all those occasional demands that were constantly occurring in such a country as this, there had been a reduction of nearly one half. He begged of the House to draw a comparison between our resources, and our general situation, at present, and in 1782, and judge whether the sum appropriated to the Civil List was improvident. It was a strange mode of going to work, to call on the House to diminish an expenditure of 5,500,000*l.*, which had grown up from other causes and circumstances, by proposing to make a further reduction of the Civil List, under those heads in which so large a reduction had already been effected. He was not, therefore, prepared to admit the principle laid down by the hon. gentleman, even if the House could deal with the question. He did not consider that 90,000*l.*, under the circumstances stated (and it did not nett more than 70,000*l.*, for it was liable to great deduction), was an excessive sum for the monarch of this country to have at his disposal, to meet the various claims which might be made upon his bounty. But if he had no other reason for opposing the motion, he had this; namely, the avowal of the hon. gentleman, that, if he could deal with this part of the Civil List, he would then go on with the remainder. The hon. gentleman had read the House a lecture as to what he conceived ought to be the proper splendor of the monarch. It was very true, that his majesty, from his love of retirement, was not every day surrounded by his court, and encompassed by his officers of state. But, if not always wanted, would the hon. gentleman have them sent about their business, and called in occasionally, as waiters were called in? Was his majesty to send for the first person that came to hand, to act as lord steward, lord chamberlain, or lord in waiting for the day? Was that the way in which the hon. gentleman would maintain the dignity of the Crown? On the revision of those offices, which were, in fact, sinecures, the House had never dealt with those which appertained to the personal service of his majesty. He hoped that no member would support the motion, involving as it did the resumption of a compact, which had been solemnly entered into at the beginning of the present reign. If they did so, they would not arrive at that profitable theory to which the hon. gentleman had directed his attention.

The House divided: Ayes 13; Noes 86; Majority 72.

HOUSE OF LORDS,

Thursday, June 12th.

SOUTH AMERICAN PIRACY.] Lord

Strangford rose, for the purpose of presenting three petitions, deserving their lordships' most serious attention. The first came from a numerous body of merchants and ship-owners in London. The petitioners complained of the vast losses which they continued to sustain, in consequence of the system of Piracy and depredation, carried on under the flags of Buenos Ayres and Colombia. They complained of the almost annihilation of their commerce with that part of the world; but they complained still less of the grievances which they themselves suffered, than of the revolting atrocities perpetrated on their fellow-subjects;—atrocities, in one instance (that of a ship called the "Morning Star," proceeding from Ceylon to this country) of such a nature, that a sentiment of respect towards their lordships prevented him from describing the manner in which Englishmen had been treated by the subjects of governments, which England herself made it her boast to have called into being. He knew, indeed, that these atrocities would be excused by those who were determined to discover nothing but what was good and virtuous in republican institutions, and who thought that the crimes of young states were juvenile indiscretions to be passed over. He knew it would be said, that it was extremely unfair to judge of the many from the conduct of the few, and to condemn a government for the acts of its servants; but when he saw that no effectual steps were taken to punish or apprehend the authors of these enormities—when he found, on the contrary, that they were, on their return to their country, promoted, and furnished with new vessels and new commissions, and sent anew roving and bucaniering against the commerce of friendly and neutral powers, he had a right to say, that some of these republics were founded and sustained by robbery. England might boast of this creation, but he feared she had produced no creditable progeny; and if the time ever came when we should have again to contend with the United States of Northern America, we should find that we had been recruiting for their navies, and that for their benefit, those colonies had been torn from that Spain, under whose responsibility we should wish that they had been allowed quietly to remain.—The second petition came from the merchants and ship-owners of Jersey. Jersey employs—or rather did employ—upwards of twenty vessels in the trade of South America. Out of those twenty vessels, scarcely one half had been permitted to reach their destinations, without being molested by ships under the flags of those states to which he had alluded. This was no question involving the metaphysics of war, respecting an effectual or ineffectual blockade; but the plain case, that ships had been pillaged upon what was denominated the high road of nations. The third petition related to a case of individual hardship. The petitioner had been the commander of a ship called the "Huskisson." He did not address their lordships himself, but through the medium of Mr. Duke, his agent in this country. His ship had been partly plundered by a vessel bearing the flag of Buenos Ayres, and afterwards carried to Rio Negro, where the piracy was completed. This happened in May, 1827. An English ship was sent out to claim her, but no sooner had that ship left Rio Negro, than the condemnation of the "Huskisson" was proclaimed. Here, then, there was no case of violent blockade, and the act could only be justified by the law of the strongest. They thought, perhaps, that, because the ship was called the "Huskisson," there was a very fair opportunity of applying the principles of free trade [a laugh]. However, no explanation had been given of the circumstance. The "Huskisson" had been boarded in the middle of May, 1827, at the inauspicious hour of two in the morning; and the captain was obliged to strike his flag, and was now a destitute wanderer in a foreign land. It might be said, that peace would soon be restored between the two hostile governments, and that the present state of things would cease with the war. He must, however, think that the prospect of peace was not so near as a noble earl (Dudley) had given them reason to believe. But he was sure, if peace were to be made to-morrow—as he was sure it would not be for twelve months—his noble friend (lord Aberdeen) would not suppose its mere attainment sufficient, and that an account must be taken of that arrear of wrong which had accumulated during the war. His noble friend belonged to an administration which commanded the respect and confidence of the country, because she knew that her honour was intrusted to the hands of one, every act of whose life had been devoted to her interests. Under these feelings, he hoped the government of this country would not forget that word, which injured and insulted nations had a right to utter—reparation.

The Earl of *Aberdeen* wished it was in his power to give that satisfaction which his noble friend desired, and which the subject to which the petitions referred undoubtedly deserved. He knew that his noble friend who preceded him in the office which he had the honour to fill, had made numerous and urgent recommendations on this subject to the South American governments; and he had great pleasure in stating, that the Brazilian government had promised that full reparation which the case demanded, and which was in the course of being made. With respect to the outrages mentioned by the noble lord, unquestionably the government of this country ought to extend protection to its subjects pursuing a lawful and peaceful commerce in those seas; and he trusted, that every possible reparation would be obtained. At least, those steps would not be wanting, which appeared most likely to obtain reparation. With respect to the subject of peace, he trusted that in much less time than the noble lord had mentioned, such a peace would be concluded as would afford the best opportunity of preventing future atrocities.

It being discovered by earl Grey, that the petition had no prayer, and was interlined in another hand, it was withdrawn.

PORTUGAL—LORD BERESFORD'S EXPLANATION.] Lord *Dundas* said, that, in consequence of certain rumours which had been alluded to elsewhere, he wished to ask a noble lord opposite, whether or not there was any foundation for those rumours? He entertained no feeling of hostility to the noble lord in putting this question, which he was quite sure would be answered satisfactorily; convinced as he was, that that noble lord was incapable of carrying on any correspondence hostile to the interests of this country.

Lord *Beresford* said, he wished to make no observation on the manner in which this accusation had been made, under circumstances which prevented the antidote from being applied to the poison. After a long residence in Portugal, and an intimate acquaintance with that country for upwards of twenty years, it was not extraordinary that he should have been on terms of friendly intercourse with many individuals there, or that he should have occasionally corresponded with them. Accordingly, he had been in the habit of corresponding with the late king, and with many of his ministers. Some of these letters were on matters of friendship, some on matters of business. He had been occasionally consulted, as an individual, on subjects of policy, and had stated his opinions in reply; but, whatever those opinions might have been, there was no great danger to be apprehended from them; for, in no one instance, had any counsel which he had given been followed. He repeated, that he had had correspondence, and should continue to have correspondence, with many people in Portugal. It was said, that he had had correspondence with the duke of Cadaval. He certainly had. From the friendship that existed between that individual and himself in Portugal, some intercourse had been continued between them since his return to this country: they had each written three or four letters. Now, the charge which was stated or mooted in another place, he wished to meet fairly. The accusation against him was; first, that he had encouraged Don Miguel to pursue the course which he had adopted; and secondly, that he had given him to understand, that that course was approved of by his majesty's ministers. Before he went further, he begged to state, that the correspondence to which he had referred, had been well known to lord Liverpool, to Mr. Canning, and to other ministers of the Crown; and he never had the slightest doubt of the propriety of that correspondence suggested to him by any one of them. This was known to his noble friend, the duke of Wellington. He had shown him the letters as they arrived; but he had not shown him the answers. In looking over the correspondence, he could only find one part alluding to the opinions and intentions of his majesty's ministers; and, so far from giving any encouragement to the proceedings in Portugal, he had done directly the contrary. He would give to this part of the statement made in the other House, as strong a contradiction as words could give. It was most incorrect to say that he had encouraged Don Miguel in any one of his proceedings. He never had given him the least encouragement; he had advised him quite the contrary.

The Duke of *Wellington* said, his noble friend had shown him the letters which he had received. They were private letters. The last, written after the events in Portugal, desired him to suspend his judgment; and this letter his noble friend had not answered. As for authorising his noble friend to write to Portugal the opinions of this government, he never had done any such thing. He knew too well what was due to his majesty's representative at the court of Lisbon, to authorise any communication to be made to the government of Portugal, except through our ambassador.

HOUSE OF COMMONS.

Thursday, June 12.

Smithfield Market.] Mr. Alderman *Thompson* said, that the butchers of the metropolis had intrusted him with a petition against the intended removal of Smithfield Market. The trade viewed this measure with great uneasiness, as it would occasion them considerable additional trouble and expense. The cost incidental to such a change must cause an increase of at least a penny per pound on all animal food sold in the city. Should the subject be permitted to stand over till next session, he had no doubt the corporation of London would make application for a bill to remove the inconveniences now complained of.

Sir *J. Yorke* said, it was absolutely necessary to alter the present system, if its effects were not much misrepresented. A document had been put into his hands, setting forth the expediency of this measure, but combining such nauseous details that he should not be surprised, what with the Grand Junction Water Company and this, to see a general vomit through the House. Father Thames was polluted by streams of putrid gore that never ceased disgorging their filth into its waters. From a regard, therefore, for the health and cleanliness of the city, he should be anxious to see the project now petitioned against carried into effect.

Colonel *Trench* thought, that the present arrangements for slaughtering cattle were disgusting in the highest degree; and saw no reasonable objection to the introduction of the system so successfully acted on at Paris. He should be pleased to see the Milbank Penitentiary converted into an abattoir, as it seemed peculiarly eligible for that purpose.

Mr. Alderman *Wood* deprecated any removal of the market as unuseful to the public and inconvenient to the trade.

Ordered to lie on the table.

Roman Catholic Claims.] Sir *F. Burdett*, in presenting a petition from the Catholic inhabitants of Drumlane, praying for Emancipation, remarked, that the claims which the people of Ireland so justly sought for from the legislature, had been disposed of, at least for a time, by the other House of parliament. He could not present this petition, without saying a few words upon the subject to which it referred. It appeared to him, that more rational expectations were now held out to the country of the final adjustment of this question: and he trusted that they would have the beneficial effect of allaying that irritation which it was impossible for men situated like the people of Ireland not to feel. But he hoped and trusted, that better times were at hand, and that in the next session something would be done to settle this question. His hopes arose from what had occurred in another place, and from the manner in which this question had been recently discussed there. Such a view of the present state of things he was anxious to believe would induce the Catholics of Ireland, while they relaxed not in their constitutional efforts for relief, to rely more confidently upon the approaching success of their claims. They should bear in mind that this branch of the legislature had repeatedly decided in favour of those claims; and they should recollect, that though the other House had refused to take them into consideration for the present, there were circumstances connected with their discussion there, which augured well for their final success. When he reflected upon the opinions which had been expressed in the course of that discussion,—when he found the most determined opponents of the measure looking at the question with a temper materially altered,—and when it was agreed upon all hands, that it was impossible for things to remain in their present state,—he did hope that in the ensuing session, his majesty's ministers would introduce some measure for the amelioration of the laws affecting the Roman Catholics. The obsolete objections which had been so frequently urged against the measure appeared to have been thrown aside. The noble duke who presided over his majesty's councils had fairly entertained the question; and much was due to him for having got rid of that *odium theologicum* with which it had been hitherto invested. Whenever the question should again come before parliament, it would not be necessary to enter into any arguments founded upon the Treaty of Limerick, or upon any other treaty; but the question would stand, as it ought to stand, upon the grounds of common sense. He could collect, from all that had passed in another place, that such would be the case, and that this question, which had so long occupied the attention of parliament, would be brought to a final settlement, satisfactory under every view, and to all parties. It was now a question of securities; and, when those who opposed the measure, and who now asked for securities, expressed themselves dissatisfied with those which had been hitherto offered, it was incumbent on them to state what securities would satisfy them. Whenever they should know the amount and the species of securities demanded, then it would be wise to legislate. So far he fully agreed with the noble duke; and he allowed, that it would not be for them then to enter into terms with any party, and that they ought not to ask the leave of the pope or of any other power to do so. They ought, to use the language of the noble duke, to "legislate fearlessly," and he would add, justly. Let them act justly, and they would raise up a greater security for the establishments of the country, than any which the utmost ingenuity could devise. There could not be a more powerful security for the maintenance of the establishment, than the affections of a conciliated and contented nation. For his part, he did not think highly of any other species of securities; and, upon that point, he perfectly agreed with lord Liverpool, who resisted this question upon constitutional principles, but who put no value upon any kind of securities. Lord Liverpool contended, that the claims of the Catholics could not be granted under the present constitution of this country; but, he admitted at the same time, that, if it could be shown to him that these claims could be acceded to consistently with the constitution, that they ought to be granted at once. He, however, would not hesitate at any securities which could be conscientiously accepted; and he was satisfied that the Catholics would not hesitate to give any securities which they could give conscientiously. For himself he would say, that he should be sorry that they should do any thing which would take away from the grace of the measure, and rob it of its beneficial effects. Everybody knows (continued the hon. baronet) that, in conferring a favour, there is as much obligation laid on the party favoured, by the manner in which it is granted, as by the boon itself. It would be more wise and more dignified, on our part, and more calculated to have the effect desired, if we could see this measure granted without any conditions. The grand security will be, that it will unite all men, of all religious persuasions in one common bond of constitutional freedom. In possessing equal rights, they will have a common interest in supporting the state. They will be no longer considered as belonging to different parts of this great kingdom, nor as sectaries having different interests from each other, and placed under a different system of law with various disqualifications. The grand security is, that this proposition will take away all the causes of dissatisfaction; and, I may here remark, that, existing as they do at present, the petitioners have not, on any occasion, been found wanting to their country. Their services have not been withheld, though they have not ceased their complaints, as they should not; for were they, as it has been said by their ablest advocate in another place—were they capable of enduring this grievance without complaining, they would not deserve relief. They have brought forward their claims by legal and constitutional means, and they have the good wishes of every generous and just mind in the country, whatever may be his religious opinions. The grand security then is, in the first place to take away all cause of discontent from millions of our Catholic fellow-subjects. If we should find that they are not contented with the justice we have administered to them, the effect would be to unite the whole Protestant interest against them. The Protestant establishment would then be placed on a rock, from which they would in vain endeavour to remove it. In that case it would become, as it is now, indeed, a Protestant as well as a Catholic question; and more Protestant than Catholic, as concerning the interests of the State, and as concerning the stability of the country. It is

Catholic only as a matter of grievance to a number of persons professing that religion. It is a cause of weakness to the Protestant government, by making the Protestants look on each other with feelings of reproach and ill-will. We who advocate these claims, are placed in an unfriendly position towards those who oppose them; not, I admit, with violence and virulence, as formerly, for there are now hardly more than two or three of that spirit remaining. I confess that I cannot help looking on them as bigots, and as Popish bigots, too, according to their own shewing; because, if, as they say, it be the character of the Catholic Church to be intolerant, and to refuse justice to those who differ from it, they make themselves liable to all the objections which they urge to the admission of the persons, whose rights and just claims they oppose. The existing law is the only means by which seven millions of people can be kept united together as one man against the government of the country. The only means by which such a union as this can be effected among persons of all classes, is the feeling of the persecution they suffer for their religious opinions. Ireland displays, in this respect, a singular phenomenon. It shews how easily men are governed with their own consent. There is an Association, I will not say armed with no authority, for it has the greatest authority, but with no power, except what it derives from the voluntary obedience of the people. It is difficult to say whether any government could be devised, by which millions of men could, in the same way, be brought to act as one man on all occasions. This is the great danger we have to dread; and it is a situation not to be endured; but I see no alternative for it, but the settlement of this question. Nobody pretends to deny that this danger exists. Nobody proposes to begin a war of extermination against seven or eight millions of our fellow subjects. The danger has arisen from the mode in which it has been fostered and fomented by the impolicy of those administrations who have succeeded each other, since this question has become a matter of dispute. By degrees they have, by their mode of proceeding, fomented the discontent of the Catholics, until they are made a compact body, of which we cannot get rid, and ought not, if we could, by any means. Their situation admits of no alternative but that single measure of justice which would cost us nothing, and which would leave us strong and united, to rely on our own power, to resist any consequences that might ensue. I really do believe, that nothing would strengthen the Protestant establishment so much, as to take away every cause of dissatisfaction, not only among the Catholics, but the Protestants. The great body of the Protestants of Ireland, fully one half of them, are anxious that this question should be settled. Every body agrees that it ought to be settled; and no man is able to point out any other way of settling it than the present. We have been told by a noble person of high legal authority, in the very last debate on this subject, that it was surrounded with all sorts of difficulties, great, and almost impossible to overcome; but he said "it was our duty, somehow or other" (these were his very words) "to surmount them." When I heard this, I expected to find some way pointed out for surmounting these difficulties; but here we come to a "lame and impotent conclusion;" for nothing was offered beyond pointing out our duty, and the danger of not doing it: not one word did I hear as to the way in which it was to be done. Our proposition was, to do justice; and then we should have little to fear from those imaginary dangers with regard to the pope's power, of which nobody in this House pretended to be afraid. In concluding I have only to repeat my satisfaction at the view which the first minister of the country has taken of this subject. It seems to be really a question of that kind which belongs to the government to settle. The measure ought to come from the administration; and, since we now have at the head of the government a man capable of deciding on questions of policy and judging for himself — a man of strong understanding, who sees his point, and is not to be deterred from pursuing it, I will express my hope and faith — though I must confess my hope is stronger than my faith—that that line will be pursued, and that we shall not be obliged to bring forward any more motions in this House, in utter despair that it is in our power to serve those on whose behalf we make them, except by bringing their cause under discussion. The question can only be properly brought forward by the government itself; for it is of such magnitude; it affects all the interests of the country so deeply; it absorbs the resources of the country to such an extent; for, unquestionably, if it were not for this dispute with the people of Ireland, millions of public money might be saved—that it is of the highest importance to have it put into a train of settlement without delay. I trust that it will never fall to my unhappy lot to bring it forward again. If it should, I shall be much disappointed. But I do hope, that next session we shall take it into consideration, on the motion of his majesty's ministers themselves. They alone are able to make a proposition that shall set the question at rest, and give tranquillity and security to the whole kingdom.

Mr. Secretary *Peel* said, that as the hon. baronet had expressed a hope, that the present administration would take up this question in the next session, and introduce some measure for its settlement, lest any misconception should go abroad respecting his sentiments, he was anxious to speak upon this point for himself, and for himself alone. Under the constitution of the present government, each individual member of it was at liberty to entertain and support his own opinions regarding this question. Conceiving then, that it was only necessary for him to state his own individual opinion on the subject, he would refer the hon. baronet and the House to the declaration which he had repeatedly made respecting it, and, speaking then as an individual member of the government, he explained, as he was at liberty to do, his own sentiments on the question. To that declaration, and to those opinions, he still adhered, and he conceived that, in saying so, he had said enough to satisfy the House that his sentiments upon the subject remained unaltered.

Mr. *W. Baring* remarked, that if the object of government was to preserve public order and defend those who had property from those who had it not, the situation of the government of Ireland must be peculiarly difficult; because there was no country in the world in which the division between the rich and the poor was so broad and sudden. In England, there were intermediate links in the chain of society between the highest and the lowest; but in that country they were wanting altogether. What resource had the government under these circumstances? Was it to rely upon the number of the population or the regard they had to the laws of the country? What reason had they to hold the laws in reverence? If they looked back to times past, they would find the Penal-laws worse in their nature, than any that history recorded. If they looked to the present time, they found a law which was peculiarly grievous to to them: he meant the Subtenantry-act. Whatever necessity there might have been for that act, no doubt it must inflict great evils on the population. By this act, the landlord was enabled to turn out a great portion of his tenants on the wide world. This alone was sufficient to convulse a country. In other countries there was an aristocracy on which the government could rely; but the aristocracy of Ireland had abdicated its power. In England, where there was a resident aristocracy, it had great influence over the people. Yet here the government found it necessary to require the assistance of the ministers of religion, for the maintenance of order and the defence of property. But in Ireland, where the priests had the whole power of the State in their hands, where they possessed the concentrated influence which ought to belong to the aristocracy, as the natural protectors of the people, it was thought proper not only not to demand the assistance of the priests, but actually to outrage them by offensive laws. The right hon. Secretary would, perhaps, tell the House, how the government of Ireland was to act in the anomalous situation in which it was placed. It did not depend on the aristocracy, but a faction; and its only means of control over the people was the bayonet. Whether it was possible, under such circumstances, to carry on the government, and allow the holding of public meetings, and the enjoyment of the other political rights which constituted the blessings of Englishmen, was a problem difficult to be solved. He was afraid not. If no concessions were to be made to the Catholics of Ireland, it would be better to take from them their privileges, which only served to work up their feelings and excite discontent.

Sir *J. Yorke* said, it was quite true, that all the *odium theologicum*, which Dr. Duigenan was accustomed to fire off, was gone, and fires and faggots were now certainly out of the question. He thought the hon. baronet had rather gone beyond the noble duke's speech. There was great liberality in it no doubt; and a desire to say as little as possibly could be said, when his grace could not well see his way through the matter. Indeed, he believed there was not a learned doctor in the House of Lords, either on the spiritual or temporal benches, who could state how they could get out of the difficulties which surrounded this question. In giving up those laws which had been framed by their ancestors, they should receive some equivalent security in their stead. This was the feeling which obviously influenced the government.

Mr. *Wynn* said, it was with extreme regret that he had heard of the vote to which the House of Lords had come, on the resolution transmitted from that House for their lordships' concurrence. He should have thought such a resolution could not have been met, in any British House of Parliament, by a negative. He could conceive that their lordships might have said, that they had not made up their minds on the subject: he could understand them, if they had asked for delay, and postponed the further consideration of the question to the next session: but he confessed he was not prepared for a negative from their lordships to a resolution couched in such language; and when it was notorious that every man, both in and out of parliament, concurred as to the dangerous situation of Ireland, it was surprising that their lordships should refuse to enter upon the consideration of the means by which they might possibly avert such danger. He had not had the advantage of hearing the debate which had taken place elsewhere; but he must confess that, judging from the reports which he had read, he indulged in none of the sanguine expectations of the hon. member for Westminster; judging by the report which he had seen, of the speech of the noble duke alluded to, he could merely see throughout it a studious wish to excite hopes, and an equally studious determination to say nothing which could warrant their existence. He greatly preferred the conduct of his right hon. friend opposite; it was open, and manly. He had referred to his former declaration. In that declaration, the right hon. gentleman had stated, that he would not be satisfied with any security which would not exclude Roman Catholics from parliament and from the councils of the state. However he might dissent from the right hon. gentleman, he could not charge him with that vagueness of expression which had been employed in another quarter. He did not at all anticipate the change which the hon. baronet appeared to reckon upon with so much confidence. The danger which arose from the present position of the question was clear and manifest. A resolution was proposed, declaratory of the necessity of taking into consideration the laws which produced such danger, and to that resolution the Lords had given a negative. Was there in all this any ground for hope that something would be done next session? They had now what was called a government, and it was incumbent upon that government to declare, whether the law was to remain in its present state, or to undergo alteration.

Lord *Althorp* concurred with his hon. friend, the member for Westminster, in entertaining great expectations from the tone and temper with which the question had been discussed in the other House. It was gratifying to observe the difference which existed in that tone, from what was manifested on former occasions. The noble duke at the head of his majesty's councils admitted the existence of the danger which resulted from the agitation of this question, and he appeared desirous to settle it, if he could have sufficient securities. Now, this was an important admission. He trusted, however, that the Catholics of Ireland would not be induced, on that account, to press forward with less zeal, in the constitutional assertion of their rights. It was impossible that things could remain as they were, and some proposition must, sooner or later, be brought forward. The right hon. Secretary had informed them of the constitution of the present government; but he considered it a most unconstitutional administration. It was founded upon the principle of division with regard to a question of the greatest importance to the country; and, while so constituted, it never ought to have the confidence of that House. He never would give his confidence to such an administration; but, before he became directly hostile to it, he should wait to see its measures.

Sir *T. Lethbridge* agreed with the noble lord as to the mischiefs of having an administration divided on this most vital question. He considered it as the greatest misfortune this country laboured under. If, of late, he had placed his confidence in his majesty's government, it was because he considered it formed on a united, intelligible, and clear principle. What had happened elsewhere could not be taken as a ground of argument in that House. He had not seen any thing in the manner in which it had been received elsewhere, that looked like matter of congratulation to the hon. baronet, or those who took the same views. The resolution was negatived by a majority of forty-five. He wished, from the bottom of his heart, that the Catholic question could be settled with satisfaction to all parties. He must add, that he did not see that ground of alarm which was pictured out to them in a way bordering on intimidation, and which was any thing but politic on the part of those who advocated the Catholic claims. Besides, it was contradicted by what happened in Ireland, year after year. The Catholic Association certainly should be put down. The only way of settling the question was by abstaining from making speeches here and elsewhere. By refraining from this course, by letting time pass, and through the progress of other circumstances, some alteration for the better might eventually take place. He was quite ready to admit, that there was in the country a growing feeling of a description favourable to the concession of the Catholic claims. It was a question on which calm deliberation should be exercised to the fullest extent. Let it make its way fairly to the minds and feelings of the people of England, and it would be carried. But, if it were made the handle of attacks on individuals, on parliament, and on the government—if they were to be told, that unless emancipation were granted, Ireland would be dismembered from this country, he would oppose, with all his strength, a course which he conceived to be most unconstitutional.

Mr. *Spring Rice* said, he agreed in the opinion, that the Catholic cause was rapidly gaining ground. The hon. baronet, who had last spoken, seemed to think, that the result which the friends of the Catholics had in view, was only to be gained by abstaining from discussion. But how was it, that the friends of the Catholic cause had made any progress in their great work? It was by discussion: and, if they hoped to make any progress hereafter, it must be, not by silence, but by discussion. If they abstained from discussion, the inference would be, that they were doubtful of the justice of their claims, and were unwilling to have them discussed. Discussion was the mode by which alone the question could be advanced; and, therefore, he warmly recommended frequent discussion. He wished to remind the House of what had happened early in the session. They were told, in the course of the debate on the repeal of the Test and Corporation acts, on the authority of the right hon. gentleman opposite, that the silence of the Dissenters proved that they felt no grievance. Now it was very singular, that the perseverance of the Catholics should be adduced as a reason for withholding emancipation, while the silence of the Dissenters should be assigned as a ground for not granting their just claims. With respect to the conduct of the Roman Catholics generally, a distinction, he thought, might be drawn between the proceedings of the Catholic people of Ireland, and those of the Catholic Association. He had not defended the conduct of the Association. On the contrary, he had always said, that it threw great difficulties in the way of Catholic emancipation, and gave a cause of triumph to its enemies. But now, he thought, the existence of the Association gave the friends of the Catholics some assistance, and afforded some aid to their arguments; for in what way did the law stand with reference to the Association? It was but four years back, when the King's Speech described the Association as a body whose proceedings were contrary to the constitution, and hostile to the peace and prosperity of Ireland. The hon. baronet proposed, that the legislature should proceed instantly against the Association. Now, he contended, that, to be effectual, in the sense of the hon. baronet's observation, there was but one way of putting down the Association. Let those who deprecated their proceedings, only give their countenance to the measure of emancipation, and they would hear no more of that body. That was the only course by which the Association could be put down. In speaking of this subject, his hon. friend (sir F. Burdett) should recollect, that many of the painful circumstances connected with the Catholic question were to be traced to over-excited hopes. Let him not, from the ardency of his feelings, excite hopes that might not be fulfilled. He would say this, that if there were in the country any man, or any class of men, who held out hopes, by suggestion, by inference, by exciting warm expectation (he did not refer to his honourable friend), but if there were individuals who dealt in that ambiguous language, which was calculated to excite hope, without any intention of satisfying the expectation which they thus created, a heavy responsibility devolved on them. He would now say a few words on the subject of securities. He wanted no security, beyond what the peace, happiness, and the improved state of the country, would afford. But suggestions had been thrown out with respect to securities; and those suggestions had a tendency to produce a very injurious effect. Now, if any thing entitled him to the regard or confidence of his Roman Catholic countrymen, it was the caution which he wished to impress on their minds, with respect to securities; for he would say, that there was not a more dangerous principle on the face of the earth than that which would induce them to proceed to the consideration of an abstract proposition of securities, on a case not actually made out. He hoped that they would disclaim securities—that they never would be the parties to a bill founded on securities. If securities were asked for, let their opponents state what security would satisfy them; but the proposition for security ought not to come from their friends. If the securities demanded were not inconsistent with the principle on which any bill that the supporters of the Catholic claims might bring in, was founded, they would, of course, be agreed to. But he repeated, that the opponents of the Catholic claims, and not the Catholics themselves, ought to point out the securities required. He would call on the Roman Catholics not to offer securities. He would say to them, "Wait till you are told what securities are demanded; and, if they appear contrary to your religion, to your feelings as conscientious men, to a fair adjustment of the question—refuse them at once." But, above all things, "do not allow yourselves to be involved in pledges with respect to abstract propositions on the subject of securities, which will certainly be directed against you, and which cannot, by possibility, be used in your favour." He therefore trusted, that, during the recess, no consideration of securities would take place in Ireland. He had stated before, that the House had a right to give their opinion, and to legislate on any subject which came before them; and if, to-morrow, the Catholics, as one man, declared their feelings to be hostile to any proposition which parliament, in its wisdom, might think proper to entertain for the purpose of settling this question, he trusted that the House would not be deterred for an instant in proceeding with that measure, if they conceived it to be right.—This was a case of expediency; and, would any man tell him, that the state of the feelings of the people of Ireland was not to be considered, in deciding upon that case? If not the very first point, it was one of the very first, which the House ought to take into consideration, when they had to decide on a case of expediency. He rejoiced to think, that the feeling in the House of Commons in favour of the Catholics had been so indisputably manifested; and he was happy to see that the same feeling had advanced in the House of Lords. He relied on the justice of that cause, and on the good sense of the tribunal before which it was to be tried, for its ultimate triumph.

Lord *Morpeth* said, he felt deeply for the situation of his Roman Catholic fellow-subjects of Ireland, but he was not so sanguine in his hopes of the success of their cause, as some gentlemen appeared to be. There were, however, in the present state of affairs, some circumstances of a satisfactory nature, which led him to entertain a hope, that the ultimate fate of the question would be propitious. As to the motives of the noble duke at the head of the administration, he could not dive into them; and therefore his hope was not founded on those motives. His hope rested on the declaration of the hon. baronet opposite, that the Catholic cause was making progress. If the noble duke had given any thing like a pledge for the settlement of this important question, that pledge ought to be redeemed. When a case of difficulty and danger was confessed to exist, it must be the paramount duty of a statesman to attempt to extricate his country therefrom. It was not the part of a statesman to excite any hope which he did not mean to satisfy. No individual should take a course from which a friendly feeling to the Catholics might be inferred, unless he intended to redeem the pledge thus given. These were the reasons which induced him to cherish a feeling of hope for the present, and of pleasing anticipation for the future. He trusted that another session would not pass over without some measure being adopted to set this question at rest, in the only way in which it could be, or ought to be set at rest.

Mr. *Brougham* said, he entirely concurred with his hon. friend, the member for Westminster, in considering it a very serious evil, not to say a great calamity, that the other House had rejected their temperate resolution. But he must say, that though the resolution was rejected, there were great grounds for consolation. He admitted, with his hon. friend, that his hope was more lively a great deal than his faith, on the present occasion; but, nevertheless, there were some circumstances from which he derived great comfort, in the manner in which the resolution of that House had been rejected. No man who had attended to those circumstances could doubt that a better day was approaching. He could not say, that the circumstances to which he alluded arose from the co-operation of new allies, or the accession of new friends; but from the recorded admissions of former foes. The tone of their adversaries was different from what it used to be. The friends of the Catholics had not now arrayed against them the same unbending, intolerant, and bigotted spirit, by which all former attempts at conciliation and concession were uniformly opposed. They had, in the first place, all the theological lumber thrown overboard. They had no longer to talk of councils and decrees. It was now admitted, upon high authority, that this was a question of expediency alone, and must be met with legislation and not by negotiation. The latter was not the way to cope with the difficulty of the case. The legislature had no right to go to the Roman Catholics and say, "Will you take this portion of power, and give us this or that security?" That was not the way to proceed. The legislature ought to make up their own minds on the subject. Due regard being had to the rights of the great body of their Roman Catholic fellow-subjects, it was for parliament to legislate according to the exigency of the occasion, and the situation of the empire, and it was for those who said that securities were necessary, to propound those securities. It was not for those who denied that any necessity for securities existed to come forward and propose securities. Enough had been admitted to point out to them how they ought to proceed. Dangers were confessed, difficulties were admitted, embarrassments were not denied; and yet they were told, that the way to get out of this unpleasant situation—the way to remove those embarrassments—the way to escape from those dangers was—not that they should exert themselves, but that they should do nothing. He knew not how any person could advise them to take such a course. But they were told, in terms, that no step should be taken with respect to this important question; and those who were charged with the high duty of protecting the empire—of guarding against danger—of providing against difficulty—of anchoring the vessel of the state in safety and security—those pilots who were engaged to steer the vessel clear through dangers and difficulties—were counselled to remain in a state of apathy and supineness. A feeling might exist in some minds, but fortunately it did not exist in all quarters, that inaction, that suffering the danger and difficulty to remain, without making any exertion to overcome them, was the prudent course. That the danger and difficulty ought at once to be settled was, on the contrary, the natural and necessary consequence of an admission, that danger and difficulty did exist. Of one thing there could be no doubt—that whatever the Catholic question had gained—and he trusted that it had gained more than he was yet warranted in stating—it had gained much from the concessions of its enemies—it had gained much from the progress of liberal opinions in this country; but it had gained more than all from the justice of the cause, from the perseverance of its advocates, and from the magnitude of the object they had in view. If the Roman Catholics would listen to his advice, he would say, "Let them persevere in all steadiness, but in all peace; let them persevere, keeping the king's peace, and obeying the parliament's laws, but never ceasing to urge the throne and the legislature with their petitions, until that which is their just due is obtained for them."

Lord *Ebrington* said, it had been his lot to hear those expressions in the other House to which so much importance was now attached. In those expressions there certainly was a tone which indicated the desire of some satisfactory termination of the question; but in the sequel it appeared, that there were great difficulties in the way of that settlement. The right hon. Secretary had stated, as strongly as language could convey the sentiment, that there was no intention on the part of government to entertain this question.

Mr. *Peel.*—I was speaking in my individual capacity, and not as the organ of government.

Lord *Ebrington.*—Now, when he considered the vague and unsatisfactory expressions which he had heard in another place, and contrasted them with the plain and distinct opinions which the right hon. gentleman had that evening avowed, he could not think that any thing was to be expected from government, with respect to this great question. In making this observation, he did not mean to say that he did not entertain hopes of the ultimate success of the question. He, however, grounded those hopes on the increasing information of the country, and the increasing spirit of liberality which was observable in that House.

Ordered to lie on the table.

HOUSE OF LORDS.

Friday, June 13.

CORN BILL.] The Duke of *Wellington*, in moving that this bill be read a second time, said, that the principle of it was to regulate the introduction of Foreign Corn into the home market, by a scale of duties, instead of by an entire prohibition under a certain price, and was thus the same principle which the House had adopted in the bill of last session. It ought to be observed, that the principle of prohibition was a new principle, until the act passed in 1815. Now, it appeared to him, that the corn trade ought always to be regulated by a scale of duties, rather than by means of a prohibition; and it was undoubtedly true, that from 1815 down to the present time, the system of prohibition had been found exceedingly inconvenient. Indeed, on a variety of occasions, it had become necessary for the government to interfere to introduce corn by proclamation into the country, to prevent, on the one hand, the price of it from rising to such a height as would inflict distress upon the consumer, and on the other such a subsequent influx of it from foreign ports, as would be prejudicial to the grower. On that ground it was, that the resolution to let in foreign corn by a scale of duties, rather than to keep it out by a system of prohibition, was adopted; and the trial which had been made of the plan by the bill of last year, had been sufficient to show that the alteration of our system had been productive of advantage to all parties. The various interruptions which it had been found necessary to give to the old system of Corn-laws had been equally inconvenient to the government and to the corn growers. They occasioned great complaints on the part of the people at large; occasioned great jealousy on the part of the agriculturists; and no small remonstrances from foreign powers. For these reasons, he was anxious that the House should adopt a system which would leave the trade in corn to regulate itself, rather than continue to act upon a system which compelled the minister of the day to refer occasionally to the illegal practice of letting in corn by a proclamation of the Crown. He had stated on a former occasion, that, in his opinion, the scale of duties was sufficiently high. The bill of last year provided for the taking of the averages every three months; the present bill provided for the taking of them every six weeks.

The Earl of *Lauderdale* said, he gave his noble friend full credit for being convinced that this measure, under all the circumstances, was the best that could be devised; and he trusted that his noble friend would give him equal credit when he said, that he would not stand up to oppose his noble friend's measure, unless he was convinced that it would be prejudicial to the best interests of the country. He was sure he should not hear from his noble friend—indeed he doubted whether he should hear from any of their lordships—a repetition of the calumnies uttered on former occasions, when any one rose to advocate that side of the question which he was then going to advocate; namely, "that we are led, from interested motives, to secure a profit to ourselves as landholders, at the expense of the poorer classes of the community; in other words, that we are seeking to establish for ourselves a monopoly in the trade of corn." A monopoly! In whose favour? In favour of the agriculturists? Could he be told, that a monopoly which was established in favour of the country at large, was productive of the injurious effects which attended private monopolies? He had never accused any public men of acting from private views of interest or ambition. He had himself never acted but upon one view and upon one principle, and that was—what were the best means of maintaining the wealth and prosperity of the country, and of procuring for the poor a plentiful supply of grain at a cheap, and, above all, at a steady, price. He had always contended, that, whatever the price of grain might be, no matter, so long as it was a steady price, for things would naturally accommodate themselves to it: but that, if it were unsteady, it was equally fatal to the grower and to the consumer. A sudden augmentation of the price of grain induced the labourer to do more work in a given time, in order to continue in possession of his usual luxuries: the increase of labour diminished the price of wages, and the diminished price of wages, aggravated the other evils under which the increased price of corn made him suffer. A sudden diminution in the price of grain was equally injurious to the farmer. It was in this point of view that he had first considered this question in 1813. He had then published upon it; and a noble earl, whose absence he lamented, from the melancholy cause which produced it—for he would say this, that he loved and respected the noble earl as an individual, and had never met with a fairer opponent on matters of political difference—that noble earl had told him, that the view which he had taken in his publication had been under the consideration of government, and that ministers were resolved to protect the agriculture of the country by prohibition up to a certain price.—With that view of the question (continued the noble earl) I told the noble earl, that I should be most anxious to afford him every assistance. The noble earl then told me, that his determination was to put an end to the question, as far as he could, by declaring his intention to make the law which he then had in contemplation, the permanent law of the country during the continuance of peace. I knew the necessity for establishing such a law, and I stated it distinctly; for I knew how soon the country would accommodate itself to the circumstances of it. Well; the noble earl's Corn-bill was passed; and the first attack which was made upon that permanent law was by the agriculturists themselves. On that occasion I was the first man to say, that the petition which Mr. Webb Hall and others presented should be scouted, and that the interests of the country imperiously demanded that we should adhere to the law which we had deliberately enacted. My advice was, however, neglected; and, since that time, we have had various laws, of all sorts and descriptions;—we have had recourse to proclamations, to admit foreign corn into our markets. I do not rise to advocate the interest of the landowners against the interest of the lower classes, but with a belief, that their interests are combined, and cannot be separated; and that, to give, as a security to agriculture, a prohibition of the importation of foreign corn, is the best means of getting for the labouring classes the lowest and the steadiest price of corn.—The noble earl then proceeded to review the different opinions which had been held upon the corn trade. There were some who contended, that a free trade in corn ought to exist; whilst there were others who, with him, contended, that there should be a prohibition of foreign corn to a certain price, or a protecting duty to such an amount as would form a prohibition. He thought that the distinction which his noble friend had drawn between a scale of protecting duties and a prohibition under a certain price, was a distinction without a difference; for if the scale of protecting duties was high enough, it amounted to a prohibition exactly as much as if it were called so. Now, for a century past, the law had been, to protect agriculture by prohibitory duties, and you might as well enact a prohibition at once, as create a scale of duties which prevented its importation. Of late years this system had been altered, under the auspices of a set of modern philosophers, who, in their eagerness to carry their theories into execution, cared little for the results of experience. He had himself been often held up to public view as a mere theorist; but he defied any man to say, that in any legislative measure which he had ever introduced, he had not mixed up his theory with the consideration of practical results. Against the bill of last year a successful opposition had been formed; and he could wish that a similar opposition would be raised against the bill of this year; for though the scale of duties was more favourable to the agriculturists than it was in the bill of last year, in other instances it was more unfavourable to them; and therefore he thought that the two measures ought to be classed together. There could not, in his opinion, be a more prejudicial idea entertained, than that of establishing a free trade in corn. It was impossible that it should exist; it would starve the community; and therefore the nearer our system approached it, the more strongly would he reprobate and condemn it. If this country was to have a free trade in corn, the mere circumstances of its being more taxed and less favoured by climate, than other countries, were sufficient to show any man of discernment what the result would be. The consequence of it would be, that the country would be gradually thrown out of cultivation; and so we should go on, till we became dependent on foreign nations for our supply of food—a system which had always been productive of fatal effects. The supply of grain drawn from the provinces into Italy, proved the ruin of the Roman empire. Varro said, that in his time the return of corn in Italy was as ten to one; but Columella, who wrote some years afterwards, said, that the return of corn at that time was as four to one, in consequence of the abundance of grain imported from the provinces. Let their lordships also look at the treaty which the king of Spain had made with his subjects in 1665. In the preamble to that treaty, it was stated, that the agriculture of the country had been destroyed by the superabundant importation of foreign grain; and the covenant was, that agriculture should be protected against such importations; for that otherwise Spain would be dependent on foreign nations for a supply of food. About the year 1735, a vizier of Turkey encouraged the exportation of corn from that country to such a degree, that three hundred French vessels were waiting at one time in the Bay of Smyrna, to take up cargoes. But the Janissaries interfered to prevent so much corn from leaving their country; and the consequence was, that the visier lost his head. The next visier prohibited the practice; and the consequence was, that in France the price of corn soon fell, in consequence of the impulse given to French agriculture by cutting off the supply from the foreign market. To come to modern times he would refer their lordships to the report made by consul Foy, on the corn trade of Sweden. Though Sweden had long been an importing country, a prohibition was issued, in his time, on the importation of foreign grain. The consequence was, that a great stimulus was given to the agricultural interest of that country; that in a few years it produced a supply superior to its wants; that in one particular year two hundred thousand quarters of grain, being part of its superabundant produce, were distilled, there being no other way of disposing of it; and that a great plenty of grain had been found in Sweden ever since the enactment. With these examples before his eyes, he could not help reprobating the introduction of a system, likely to destroy the agricultural interests of this great empire. We were placed, in a particular situation, as related to the trade in grain. There was one part of the empire which had increased its growth of corn, in consequence of its knowledge of the amount of supply necessarily required to meet our demand. We were bound to encourage the growth of corn in Ireland, because it was not a manufacturing country. We were bound to look to Ireland for our supply, in the first instance, and not by encouraging foreign grain, interfere with the prosperity of that country. What loss had been sustained by the country in consequence of the act of 1815;—that act, which, in the opinion of his noble friend, had done so much mischief? Look at the price of grain for the last ten or twelve years. When he had supported that act on its first being proposed, he was told that he was seeking to enact a *minimum* for the price of corn, and to pass a measure prohibiting it from being sold at less than 80*s.* a quarter. To that assertion he replied, that he was going to enact 80*s.* as a *maximum* price of corn. Had not that prediction been justified by events? The average price from 1814 to the present year had never exceeded 65*s.*, and during the last year it was not more than 57*s.* a quarter. Was that a price which required the whole system of our Corn-laws to be changed? What, then, was the motive for repealing the existing Corn-law? Had the agriculturists asked for it? No; they wished for the continuance of the present law. Were there any petitions from the manufacturers on the subject? No such thing. Some years ago petitions of that nature had been presented to their lordships; but they were all got up in the way in which he could get up petitions upon any subject. He believed that all the petitions which had been formerly presented against the Corn-laws contained a clause on the hackneyed subject of parliamentary reform, or on the necessity of retrenchment and economy, or on the propriety of reducing the salaries of the public officers of the government. He had seen that the salaries of various officers had of late years been reduced; and that to a greater extent, than was fitting with the objects of a wise government. In the early part of his life he had concurred in the celebrated vote of the House of Commons, that the power of the Crown had increased, was increasing, and ought to be diminished; but at present he should not be able to support such a vote; for he believed the power of the Crown to be too much diminished. Did not their lordships therefore see that this measure emanated from the philosophical spirit of discontent that was abroad; and that it had been forced upon ministers, in spite of their wishes? What benefit should we derive from it? The agriculture of a country was not an institution that could be reared in ten days, and completed in six weeks. On the contrary, it depended on a system of steady growth and of long duration, and if once broken up was ruined for ever. In Scotland, where the population were shrewd, calculating, and provident, all the farms were let on lease. Now, unless there could be some established data, on which the landlord and tenant could both make their calculations, the agriculture of Scotland must speedily be ruined; for no farms could be let. How was he, under the difficulties which this new law would present, to calculate the amount of rent which he ought to receive? How was he to proceed under a system which rendered the price of corn uncertain, and which, in another of its ramifications, reduced the price of wool from 18*d.* to 7*d.* per lb? How was he to desire his tenant to calculate the profits which he ought to realize from his farm, and to tell him what share of those profits ought to belong to him, as owner of the farm?—The uncertainty of all agricultural calculations was further aggravated by its connexion with the warehousing system. Indeed, the two systems combined destroyed all the protection formerly granted to the agricultural interest. Why? Grain was, of all commodities, that of which the value depended upon its abundance or scarcity. It was an article of the first necessity, and not a luxury, which might be dispensed with. Grain was wanted as food; and therefore there was no check upon its price except its abundance. Now, this bill went to bring against the domestic produce of one year, the foreign produce of other years; and as nature never afforded the same quantity of produce to the same country for two years together, this new system augmented the chances, that the farmer would have a year of foreign abundance, competing with a year of domestic scarcity, in such a manner as would prove ruinous to his interests. A year of domestic scarcity enhanced the price of the corn which the farmer had on hand; but his chance of profit from such a year would be entirely destroyed, if he had to contend with a year of foreign abundance, stored up in this country by the warehousing system. That system, if continued in, would inevitably ruin that system of agriculture by which nineteen-twentieths of our population had hitherto been supported. Both those systems were supported by an appeal to the frequent alterations which it had been found necessary to make in the Corn-laws. But here again another great question arose; how far had those alterations been made from necessity or from choice? He believed, judging from the price of corn for the last fourteen years, that there would have been no extravagant price of corn in Great Britain, had the laws remained unaltered. In June, last year, ministers let in to the country from four hundred thousand to five hundred thousand quarters of wheat. At the time they thought they foresaw that there would be a deficiency of wheat in the country, before the ensuing harvest was got in. But what was the case? Before September, the spring corn was reaped and in the market, and the deficiency predicted never took place.—He would, therefore, say to the noble duke, "Leave all interference as to the importation of foreign corn to parliament, if it be sitting, and to the privy council if it be not; and you will thus, on the one hand, prevent the population from being brought to a dearth or the fear of it; and, on the other, preserve the agricultural interest from ruin, by a superabundant supply of foreign grain. You will thus give to the ministry of the day the security of forming an opinion with the facts of the case before them, instead of the insecurity of compelling them to form it, in perfect ignorance of all the circumstances on which they ought to ground their decision."—He recollected that when the noble duke had brought forward these resolutions, in that open and decided manner, which had procured him so much credit with the country, he had said, that he was sure no one could suppose that he would propose any measure to injure the agriculture of the country, because he knew that great sums had been expended upon it. The noble duke had said, that, for the same reason, he would not injure the warehousing system. Now, he was quite sure that the different counties of England would, if they regarded their own interests, gladly subscribe the sum necessary to make good the capital expended on those warehouses, supposing that by so doing they could get rid of the injury which those warehouses were calculated to inflict upon the agricultural interest. His reason for opposing the present bill was, that he was convinced that if once passed into a law, the manufacturing interest would be the first to complain of its fatal consequences. With respect to the agriculturists, who were so bound up with the prosperity of the country, he would boldly say, that there was no measure which would be beneficial to the country which would not be gratefully received by them. But he had heard that this bill was not only a compromise, but a stepping-stone to something else. He wanted to know what resting-place there would be for the manufacturer, if they rendered him dependent on the foreign trade in that important article of consumption. Where could his resting-place be, if the commodity which formed four-fifths of his consumption was to be at the mercy of speculators? It was upon these grounds that he rested his opposition to the present measure.—But this was one of the measures on which it was intended to acquire popularity. At least, it was a branch of that principle of free trade, of which they had heard so much. He remembered the occasion upon which his noble friend (lord Goderich) had said, that he, for one, concurred in opinion against the regulations against smuggling. If the present bill was enacted, it would operate as a restriction of the most obnoxious kind; for it would be a restriction upon the industry of the country. He would remind his noble friend how much he was disposed to reduce the coast blockade. But he would ask, after all, was this a time for England to abandon her former system, when all the other countries of Europe were beginning to adopt it? If the object was to set the question at rest, the present was a most unfortunate course, as there was no one more calculated to produce frequent discussions, and to impose the necessity of frequent revisions. A prohibitory system, with a power to the privy council to alter or relax it, as circumstances might demand, was a system most likely to be practically beneficial. For the reasons he had stated, he should feel it his duty to oppose the bill.

Lord *Goderich* said, he knew not in what class of politicians the noble lord might be disposed to place him, according to the distinction which, with a mixture of good humour and severity, he had drawn upon the present occasion. The noble lord had described the difference of their respective opinions with perfect accuracy; but though he (lord Goderich) had maintained, both there and elsewhere, the principles of free trade, he was not such an absolute philosopher, as not to compromise the principle when it was necessary that he should do so in order to bring it into partial operation. But that compromise did not show that he was the less confident in the principle which he professed; for, though he differed totally in the view which the noble lord took of the present law, he would allow that it was impossible for this country to adopt the abstract principle of free trade, under all the complication of interests which had grown up with the wealth and resources of the nation. His opinion was, that the laws ought to be revised, with a view to bring them back to the state in which they stood before the late war. Therefore, he feared no charge against him as a theorist, or as one who did not care what became of the agricultural interest; nor did he fear that he could be fairly charged, upon the other hand, with having deserted the principle of free trade, of which he was an avowed and sincere supporter. The noble lord had argued as if they were now legislating upon a principle entirely new, and as if the policy which he supported was that which the country had always maintained; but nothing could be more fallacious than such an insinuation. In 1804, the high duty was first proposed up to the price of 54*s*., and the change was sudden from the high prohibitory duty to half-a-crown. There was no graduated scale of duties. His opinion always was, with respect to the operation of these laws, that 80*s.* would be the *maximum*, not the *minimum;* for, if the ports were thrown open, from whatever accidental cause, the moment they were open any quantity might be admitted, without reference to the general state of the market; whereas, if the ports were allowed to be open only for three months, every individual would pour in grain as expeditiously as possible, if there was not some graduated scale introduced into the bill. Such a course was much better, in his opinion, than the bill of which the noble lord appeared to be so much enamoured. The bill recommended by the noble lord would be placing too much in the hands of the government. The noble lord had alluded to the steps which were taken, during the present law, to keep the prices steady; but he would defy him to state any case, in which there had been such fluctuations as since 1815, when the favourite system of the noble lord was in operation. In fact, it was absurd to expect that any law could effect a steadiness in price. All he contended for was, that the law now proposed was more likely to do so than the other. The noble lord had alluded to an intention, on the part of his majesty's former government, to make out a case against the law as it stood at present. It was easy to make charges of this nature, but he would take the liberty of denying the fact. He would say, that the proclamations alluded to were never intended to answer such a purpose—a purpose which, if entertained, must render their authors unfit to appear in that House or any where else. The warehousing system took place in 1822. That system was totally revised; but he would utterly deny that any of the proclamations were intended to answer the miserable considerations, which the noble lord had assigned as their origin. The measure which he had presented to their lordships was intended but for a year. The principle of that measure was one which their lordships had then recognized. He maintained his former opinion still; and he suggested the present measure, because he was desirous that the law should be settled on this subject, as the greatest inconvenience arose from uncertainty. They were not now making an eternal law, binding on the country under all circumstances, but were legislating to suit the present occasion, and upon that ground he gave his support to the bill.

The Earl of *Malmesbury* said, that up to a certain point it was always his opinion that prohibition should exist. The right hon. gentleman (Mr. Huskisson), who might be considered the father of the free-trade system, had admitted the miscalculation which he had committed in the first instance, in taking the average too low. When that was the case with respect to so experienced a judge, might he not suppose that, in the present year, the same mistake was committed? Supposing they had been last year legislating for a permanent measure, what would the consequence have been?—that they had taken a wrong average. Was that no argument for exercising caution now? It was surely not too much to ask that this country should be placed in the same state as other countries, with regard to that great article of consumption, corn, which could only be done by a contract between the grower and the consumer. It was not too much to expect from the consumer, that he should say, "I will give you a certain price, which shall be sufficient to protect you against the foreign grower." The ways in which foreign corn might operate against the grower of this country were various. He would give one instance. Suppose certain merchants had speculated in foreign corn to the amount of 300,000*l.* or 400,000*l.* Suppose that some stagnation took place in the sale, and their creditors forced them to sell at any price they could get, the original sellers must suffer as well as the speculators. But there was another body who would suffer; namely, the agriculturists of this country, whose article would be depreciated, by the quantity of cheap corn in the market. In the measure of last year, oats and barley, in which Scotland and Ireland were so much interested, had not obtained sufficient protection. In all cases, the averages were taken too low. There was also a great error, with respect to Guernsey, Jersey, and the Isle of Man. The repeal of the act of 1822 would place Guernsey and Jersey, in the same situation with the Isle of Man; the effect of which had been experienced in the month of February, when so much foreign wheat was introduced into Liverpool. All these circumstances rendered it incumbent on the legislature to proceed with caution; for they might depend upon it, that the Liverpool merchants would take advantage of any omission. But the present bill would not only operate against the landed proprietors and their tenants, it would also operate against the little owners, possessing to the amount of 40*l.* or 50*l.* a year. They, if they were not already ruined, would be completely destroyed by this bill. He would ask, what had happened since the year 1822, to justify the diminution of protection? It was unwise to discourage the resource which they had in the granaries of Ireland. He was sorry to oppose any measure proceeding from a government in which he had such confidence; but, feeling as he did upon that great question, he must vote against the bill.

Lord *King* said, he was somewhat in doubt as to whether he should oppose or support the bill; and that doubt arose from the measure not going far enough, as he thought, to weaken the monopoly of the landed interest. A noble lord had expressed his surprise that that should be called a monopoly which he said was for the benefit of the whole country. He, however, thought it was a monopoly for the advantage of one order of the state to the injury of every other. The only part of the bill he really liked was that which repealed the bill of 1815. He would take that opportunity of giving his parting malediction to that iniquitous measure. In his opinion, justice had never been done upon that old culprit. Even at that moment he felt surprised at the impudence with which that bill had been introduced. The object of those who introduced that measure was to keep the price of corn at 80*s.* in this country, whilst it was only 30*s.* or 40*s.* on the continent. Some persons imagined that there was a contest going on between the landed and the commercial interests. Now, his opinion was, that the contest was between the landed interest and the prosperity of the country. To increase the price of corn tended more to check the prosperity of the country, than any other measure. What was it which limited the progressive improvement of any country? An increase in the price of food, which necessarily increased the cost of its production; and in the same proportion the progress of the accumulation of wealth was retarded. A noble earl had complained of certain visionary politicians, whom he called political economists. He could assure the noble earl, that he was not one of the political metaphysicians. He would readily give to the Devil all the Scotch metaphysicians that ever existed. He could not help thinking that the noble viscount (Goderich) was something of a heretic. He separated and confounded substances too much. That was his heresy. The true faith was to allow free trade in every thing: that, indeed, was not only true faith, but good works. It had been said, that the bill was a compromise between the landed and the commercial interests. He thought the measure ought rather to be described as a compromise between two parts of the same government; and he was not sure that the noble duke had not gained the advantage, for he had got the high prices, and had only conceded the warehousing system. Finally, he must protest against an unchangeable high duty. He could never consent to consider the present measure as a permanent one. He thought it was only a step, which would be followed by a great many more in the same course.

The Marquis of *Bristol* said:—My long and near connexion with a noble earl now unfortunately secluded from public life, with whom this measure is known to have originated, and under the sanction of whose name it was first brought before the public, has made me watch its progress with peculiar interest, and as there is no individual who would have seen with more regret any modification of it inconsistent with the principles on which it was founded, I am anxious to take this opportunity of stating my entire satisfaction at the shape in which it now appears, and feel bound in candour to acknowledge, not only that the bill is substantially the same as the one proposed by lord Liverpool, but that the alterations in the scale of duties are practical improvements, and tend to secure more regular supplies and less fluctuating prices. Whatever difference of opinion, however, may prevail as to the measure itself, all must, I think, agree that the frequent debates upon this subject, and the long attention bestowed upon it, has been productive of infinite advantage, for it is notorious that all classes now take a far juster view of the question than they did last year. I feel confident that, notwithstanding every attempt to set one half of the country in hostile array against the other half, we shall all of us come out of these discussions, merchants, manufacturers, and agriculturists, with a fuller knowledge of our true interests, and with kinder feelings towards each other; above all, with a constant recollection that no one of the great natural classes of society can ever profit by the depression of another of those classes; and with a growing conviction which will, I hope, take root in the minds of every farmer, and every manufacturer, in England, that farmers and manufacturers are not rivals, but partners in one great firm, and thrive by each other's prosperity. Nothing can be more unfounded than the idea that landlords have any peculiar or separate interest in this question. I never will admit that on this or any subject, landlords have or can have an interest at variance with the general interests of the country. The author of "The Wealth of Nations" has stated his opinion in these remarkable words:—"The interest of landowners is strictly and inseparably connected with the general interest of the society." This is undoubtedly true; and I will take upon myself to assert that, if there is any one proposition in political economy which may be affirmed without qualification, and which admits of no exception, it is this, that the interests of landlords, properly understood, are absolutely identified with the general interests of the country. Why, my lords, how can this be otherwise? Landlords have no interest in high prices—high prices raise rents nominally and in appearance; and now and then some temporary advantage may be obtained from them, for which landlords will always pay afterwards with more than compound interest: but rents can only be raised largely, permanently, and beneficially, to landlords by one of two causes, both of which are equally conducive to the prosperity of all other classes; first, by improvements in agriculture, which leave a larger surplus produce after the expenses of cultivation are defrayed; and, secondly, by improved and extended markets. Now, all improvements in agriculture which increase the surplus produce of the country are obviously a direct addition to the public wealth.—And how are markets improved and extended? By new communications, roads, railways, canals, but principally by the continual rise and increase of large towns within our own empire, rendered rich and prosperous by thriving manufacturers, and by all the improvements in skill and machinery connected with such establishments. The best job, then, for the landlord is the prosperity of trade in all its branches: as the best job for trade is a prosperous state of agriculture. There is nothing to make the inhabitant of the town and the cultivator of the soil jealous of each other—quite the contrary; for the more each produces, the more he will have to exchange with the other; and this is the foundation of that great internal trade, which is worth one hundred times more than all the foreign commerce of the country put together. It is equally the interest of all classes to make the produce of the country as abundant as possible, and whatever system most effectually accomplishes this object is the best for the country. What the poor man really wants, what true and enlightened philanthropy seeks to secure to him, is not cheap bread, but plenty of it. The question of the mere price of food is one of very secondary importance either to the grower or the consumer; for, whatever that price is, all bargains and transactions, wages, exchanges, &c. will be regulated accordingly. The principle of vital importance is this; that in all ordinary seasons the soil of the empire should be made to feed the inhabitants, and from this principle you cannot depart materially without injury to every class and every individual in the community; for you cannot depart from it to any considerable extent without producing great fluctuations in the price of corn; an alarming uncertainty in the supply of it; without undermining the most solid foundation of all wealth; and without really endangering your independence as a nation.

It is not, then, as a landlord, but as an Englishman, that I feel anxiety upon this subject. Secure me against a large dependence upon foreign corn (and, if once it is a large one, it will also be a rapidly increasing one), and I care not how cheap you make the agricultural produce of the country; all things will find their level accordingly—but I see ideas afloat, and I hear measures advocated, which would go to make a very large portion of the English people, not occasionally and in bad seasons, but habitually and permanently, dependent upon foreign corn; and which would increase indefinitely the manufacturing population of the country. Against such a system I protest as strongly as the most decided agriculturist, because I know that it involves in it the inevitable surrender, at no distant period, of that proud and independent station which we now hold amongst the nations of the world. I know, besides, which is the healthiest, which is the happiest, which is the most virtuous, part of the population; and I will never consent to apply artificial stimulants to the sole and separate increase of that part which is the least so. As long as we hold to the principle of making the soil of the empire feed the inhabitants, the increase of the agricultural population must always bear its due proportion to the increase of the manufacturing population; and, by thus following the order of things established in nature, the diseases of luxury and civilization, and the antidotes destined to correct them, will always keep pace with each other; but fatal indeed would be the consequences of that system which would raise up new Manchesters and new Birminghams in every corner of the country, and leave them to be fed by precarious supplies drawn from distant countries over which we have no control, and raised by a foreign yeomanry, who contribute nothing to the peace, order, and well-being, of the community.

The bill on your lordships' table, whilst it meets to a reasonable extent the feelings and expectations of the consumer, appears to me to provide adequate securities against these dangers. It gives facilities to the introduction of foreign corn upon the very first indications of a deficiency in the home supply (and this was the principle for which lord Liverpool chiefly contended); it effectually prevents the introduction of foreign corn as long as the home supply is really sufficient for our consumption. This is as it ought to be, and I shall therefore give it my cordial support, under the firm persuasion that by so doing I shall best promote the public interests, most effectually allay the jealousies of the manufacturing classes, and, I trust, secure to the country that which it most wants, a permanent system of law upon this important subject—but I beg the friends of agriculture to be assured that, if I did not firmly believe those securities to be fully sufficient to guard us against dangers of such a magnitude, no consideration on earth should induce me to vote for this measure, notwithstanding the deep and anxious wish which I feel to give to its lamented author this proof of my undiminished confidence and attachment; and to see adopted by parliament this last recommendation of a statesman; who, as long as singleness of heart, simplicity of character, deep and unaffected piety, truth, candour, fairness, integrity, and moderation, are virtues peculiarly dear to the English people, will live in their hearts, cherished and revered as he will do in mine, to the last moment of my existence.

Earl *Stanhope* said, it was certainly necessary, as had been well stated by the noble duke, to give a due and adequate protection to the agriculture of this country, not only on account of its own importance, but also on account of the immense capital invested in it, and the vast numbers who were interested in its prosperity. He might consider that proposition as much better proved by the noble duke, than he could prove it; but, admitting and admiring, as he did, the doctrines of the noble duke, he could not but be surprised at the conclusion at which he had arrived. This was a dangerous innovation on the system which had preceded this new plan of graduated duties: for what was the former system? It had been said, that it was a system of monopoly; but he contended that it was not a system of monopoly, but of protection. In his view of the subject, however, these duties would not be prohibitory, and he would endeavour to show, when the bill came to be committed, that the duties would not be prohibitory, and that there was the strongest ground for apprehension, that the measure would prove injurious to the rents of the landlord, the constitution, and the government. The noble marquis had admitted, that the prosperity of the country depended upon its own supply of the necessaries of life for its own population; and in this he was confirmed by the opinion even of Mr. Jacob, who distinctly stated, that the country ought not to be dependent for the supplies of the necessaries of life upon other countries, but that we ought to look for those supplies, if not exclusively, yet chiefly, to our own country. The system of protecting our own agricultural produce from the too great pressure of foreign competition was of a very old date, much older than the time of Charles 2nd; but, in that reign, when the price of wheat was 56*s.* per quarter, the duty on foreign importation was 8*s.* per quarter—a very high duty at that time. And what was the consequence? The consequence was, a great improvement in the agriculture of this country, so as to enable us to export corn to foreign countries instead of importing, and the price of corn was reduced in the home market. That system was disturbed in 1766; and what was the effect of the alteration? It was this—

that the prices were higher by 16*s.* per quarter, than they had been during the thirty-one years preceding. He contended, in opposition to the noble viscount (Goderich), that the system now proposed was a system of fluctuation; and maintained, that the system of 1815 was a much better protection to the agriculture of this country, than that which laid open the warehouses so frequently. The system now proposed was a compound of foreign and home prices; and therefore would perpetually produce confusion. The farmers would know the home prices, but they could not know the foreign prices. They could not send their Mr. Jacob abroad, to ascertain them; and therefore the system was and must be attended with great fluctuation. The noble duke himself was not, he was convinced, the real author of the measure. It had been prepared by some one who wished to make it an object of revenue; and the fact was, that during the six months of its existence last year, it had brought five hundred thousand quarters of foreign grain into the country, and thereby had occasioned a ruinous depreciation of price; but it had brought 600,000*l.* into the Exchequer.—Much had been said about free trade; but he could inform their lordships what free trade was. It was a trade, the effect of which was to drive British produce from the market, as it had done the article of wool; the growers of which had been almost ruined. The question undoubtedly was, in a considerable degree, a question of currency; and looking at it in that light, there could be no doubt but that the taxes now paid by the country were raised hundreds of thousands of pounds beyond the war taxes of 1812. At this moment it took seven millions and a half of quarters of wheat to pay the taxes, more than it did to pay them in 1812.—This measure had been recommended by some as a measure of experiment; but he contended that this was not a subject for experiment. What would any noble lord think of setting his house on fire, merely as an experiment, to try how much the fire would consume? This appeared to be adopted as a measure of finance. It had certainly brought 600,000*l.* last year into the revenue; but at the same time it had injured the agriculture of this country to the amount of more than 1,800,000*l.* The government ought to be cautious how it intermeddled with the interests of agriculture, and exhausted the agricultural capital. A noble baron had said, that he did not look on this is a permanent system: neither did he; and in the course of the next session he hoped to see their lordships' table loaded with petitions against it. He would give his zealous support to the government as now constituted, as far as he conscientiously could; but he could not give his assent to this measure. He was opposed to the principle of the bill; and should move, as an amendment, that it be read a second time that day six months.

Lord *Ellenborough* regretted, that his noble friend objected to the principle of the measure. Now, it was his perfect conviction, that ministers could not have discharged their duty if they had brought before their lordships any bill respecting the Corn-laws, founded on any other principle than that which was generally adopted by the two Houses last year, and upon which the present bill was founded. His noble friend had stated, that he (lord E.) had given his consent to the measure of last year as a temporary measure, and as an experiment. That was perfectly true: it was only as an experiment that he could have consented to that measure; but, having had the example of that experiment, he had now applied the benefit of that experience to the bill before their lordships. His noble friend had dealt more harshly with the measure of last year than he was disposed to do. He had attributed the whole of the reduction in the price of wheat, which had taken place in the six months subsequent, to the introduction of five hundred thousand quarters of corn, which had come into the home market under the operation of that act. His noble friend forgot that the price of corn, subsequent to the introduction of the five hundred thousand quarters, could not have been solely affected by the introduction of that known small quantity of corn, but also by the unknown quantity of the whole harvest. If his noble friend, and other noble lords, were determined to oppose every measure which should not have the character of permanency, he feared, it would be impossible to introduce any measure which could secure their support. A permanent measure on the subject of corn was, in its very nature, impossible. If any measure should be founded, as proposed by a noble lord, on the extreme principle of free trade, the ruin which that principle would introduce, would force their lordships, at an early period, to abrogate it: if founded upon the principle of absolute prohibition, with certain modifications, which had been proposed, the protection given by that measure would be entirely delusive to the farmer, and it would be impossible for their lordships to enforce them, when the home-grown corn grew to a high price. Their lordships were, therefore, driven to the principle of a duty proportioned to the price of corn in the country; and, if they adopted that principle, it was perfectly impossible, with a view to give equal protection at all times, that the duty on that principle should not vary. Under such a principle, the duty must vary in reference to the circumstances of this and other countries, in which corn was produced—with respect to the taxation of this country and other countries—and with respect to the population. To do justice, it was impossible to have a permanent measure on the subject of corn; but he did think, that the present bill had about it more character of permanency than any other measure which had hitherto been proposed. He would own that his prepossession had been in favour of a measure of prohibition up to a certain point; but, after the decision of the two Houses, it would have been idle to attempt to force the opinion he entertained in opposition to that decision. So convinced was he of this circumstance, that he had declared, at the close of the discussion, that he was willing to agree to a compromise, and give up the principle of prohibition. The bill then before their lordships was, in fact, such a compromise. The scale of duties was such as to amount, at a certain stage, to a prohibition. If the principle of the bill were not adopted, what principle would their lordships adopt? The noble lords who opposed it, on the ground of giving too much protection to the agriculturists, and those who opposed it on account of its permitting sufficient protection, had not agreed to any other principle, which they would submit to their lordships. A noble earl had objected to the warehousing system; but, under the present bill, and the scale of duties, the corn would be allowed, as it had been stated, to ooze into the market, and would not be brought in so as to cause great fluctuations in the prices. The objection he had stated to the bill of last year, grounded on the opinion, that 60*s.* was not a sufficient remunerating price, was provided for by the higher protecting duties of this bill. Another objection he had also made to the bill of last year was founded on the incorrect method of taking the averages; but this objection was also removed by the mode adopted in the present bill of taking the averages. By this bill, also, Ireland would receive protection equal to that afforded to England, while she had not so great a burden of taxation. The greatest care had been taken in drawing up the details of the bill; particularly with a view of securing the independence of our corn trade. After the principle of the measure had been approved of in both Houses of Parliament, ministers did not expect that it could have encountered any material opposition. They thought, improved as it was in its details, that it would be accepted by both parties as a reasonable means of reconciling the interests of both. He believed, indeed, that this was the case; for, though some petitions had been presented against the measure, they were not numerous nor very urgent. Both parties seemed desirous of such a settlement of the question, as would enable them to carry on their business in peace and tranquillity. He trusted, therefore, that their lordships would allow the bill to be read a second time.

Lord *Redesdale* said, he disapproved of the system, because it promoted speculation; which was what he most dreaded. They should always remember, that what was produced in a country cost it nothing; but that what was brought from other countries must be paid for. Applying this principle to the Corn-laws, he contended, that it was wise to produce as much as possible of those things to which the climate and soil of a country were adapted. It was right to encourage the productions of our own country; for they supported whatever trade we had. If our own country were to become barren, or to cease to produce, even our people must perish.

After a short reply from the duke of Wellington, the House divided: For the Motion, Present 53; Proxies 33; Total 86: Against the Motion, Present 12; Proxies 7; total 19: Majority 67.

HOUSE OF COMMONS.

Friday, June 13.

SMITHFIELD MARKET.] Mr. R. Gordon moved, that the Petitions praying for the removal of Smithfield Market be referred to a Select Committee.

Mr. Alderman *Wood* objected to the motion. If a bill for the alteration of this market should be brought in next session, he would cheerfully support it. The contemplated measure would affect nearly 5,000,000*l.* of property, and should not be lightly undertaken. The petition was, he believed, entirely the work of jobbers. Ten bills for the alteration, and two for the removal of the market, had been already brought in, and rejected, so that the Corporation had not been indifferent to the subject. If the measure should be postponed, the Corporation would next session apply for a bill, either to enlarge or alter the market. He should, therefore, move as an amendment, that the further consideration of the subject be adjourned to next session.

Mr. *Benett* thought, that the establishment of a market at the west end of the town would be most beneficial to the interests of the metropolis.

Mr. *Lennard* insisted on the necessity of a change, and enlarged on the disgusting spectacle which Whitechapel-market presented on slaughter-days.

Mr. Alderman *Waithman* said, that the printed statements were entirely fallacious. He must say, that this attempt to remove Smithfield-market was a job for the advantage of a few individuals. He denied that the evils were of the nature stated by those who called for the removal. Great odium was thrown on the city, because it did not provide adequate space; but every thing that could be done for that purpose had been since done. As to the state of the slaughter-houses, none in Paris or elsewhere could be cleaner than those in Newgate and Leadenhall-markets. These were under the control of the Corporation, who had spent thousands in improving them. When the city asked the sanction of the House for the removal of this market, partial interests interfered, and the bill was successfully opposed, after it had passed that House. Another time, when the city proposed the enlargement of the market, the bill was thrown out in the Lords, because some peers, who happened to be governors of the Charter-house, were afraid that the annoyance of the cattle would be brought too near that seminary. The Corporation had since expended 25,000*l.* out of their own funds; yet the House was told, that the state of the market was much worse than it used to be. The conduct of the market had been of late years so improved, that when Mr. Martin's act was enforced, the detections only applied to the ill-treatment of jack-asses, and casually of horses. The drovers were obliged to wear badges; and, if guilty of acts of wantonness, were instantly apprehended. Though not fond of Joint-stock companies, he pointed out, with approbation, the establishment of one to erect convenient slaughter-houses. The Corporation had given their sanction to the undertaking, as well as a site of valuable ground near the market. When people called for another market, he would only ask them where they could go, without incurring the inconveniences at present complained of? With respect to the question of health, consumptive people were in the habit of passing through it for the sake of their health. Indeed, that excellent comedian, Mr. Parsons, who was asthmatic, walked there regularly every market-day, for the benefit of its effluvia. The Corporation were anxious to have the markets cleanly and healthful, and had spared neither pains nor expense to effect that object. If a new plan could be devised, why not let them have it; and then it could receive proper consideration? At present he hoped that no precipitate step would be taken.

Mr. Secretary *Peel* said, he was not anxious to see any measure precipitated which might affect vested interests of so much magnitude; more particularly when the representatives of the city declared their readiness to give the fullest consideration to any plan for the improvement of the market. The master-butchers of Smithfield had once applied to him, when he was represented as having intended the establishment of *abattoirs.* He assured them, that he would not embark in any such project without giving the deepest consideration to all the interests likely to be affected by the change. He thought the best course would be, to appoint the committee, merely to lay down the basis of an inquiry for next session.

The amendment was withdrawn and a committee appointed.

Committee of Supply—Army Estimates.] On the Order of the Day for going into a Committee of Supply,

Colonel *Davies* opposed the Speaker's

leaving the Chair, and moved as an amendment, "that it is Expedient to Reduce the Expenditure of the Country to the lowest possible amount within the limits of Public Security, and to reduce the Army Estimates to the amount of 1823." They ought to remember that the evidence before the Finance Committee in favour of the present scale of estimates was given by the very men who were implicated in the extravagant expenditure which had weighed down the country, and who could not therefore be expected to pronounce their own self-condemnation. The Finance Committee were not, perhaps, to blame in taking that evidence, because it was the best which was open to them. His object was, to ascertain, why the estimates could not be reduced to the amount of those of 1823, when, from the unprincipled aggression of France upon Spain, the country must be considered to have been sufficiently prepared for national purposes. In 1823, the total amount of the revenue was 61,300,000*l.* In 1827, it had fallen to 58,417,759*l.*; and, notwithstanding this reduction, the army estimates were yearly on the increase. The hon. and gallant member then read a calculation, to show, that exactly in proportion as the means of the country had been diminishing, the military expenditure had been increasing. If this diminution of revenue were to occur, as the expenditure of the country increased, how could faith be kept with the public creditor, or the dividends paid? The hon. colonel proceeded to advert to the state of our garrison troops. He complained that regiments had been kept twenty-five years in India, and that our garrison troops which amounted to thirteen thousand, were inefficient, and served only to swell the amount of our army at home. He complained of the inattention paid, both in and out of doors, to the subject of reduction. In the various petitions which were presented to that House, the petitioners, in most cases, instead of seeking for the redress of any practical grievance, sought only for the imposition of new burthens upon their neighbours. The landed proprietors and the farmers sought for a high price for corn, and the manufacturers were clamorous for high prohibitory duties. The hon. member read an extract from the report of the Finance Committee of 1817, which recommended a system of retrenchment, and a husbanding of the resources of the country in time of peace, in order that they might be prepared for a war whenever it should arise. That extract should be written in letters of gold, and posted on the walls of that House. History shewed them what were the effects of excessive taxation in other countries. Excessive taxation ruined Holland, and produced the Revolution of France; and God grant that they might never see the day when excessive taxation would be the destruction of England! If they did not adopt a system of rigid economy and reduction, the most deplorable consequences would ensue. The hon. member concluded by moving, "That it is Expedient to reduce the Expenditure of the Country to an amount consistent with the Public Security."

Mr. Alderman *Waithman* strongly recommended a rigid system of economy.

Mr. *Monck* insisted upon the absolute necessity of reduction, in the present state of the country.

Mr. *Hume* said, that the general apathy which existed on this subject appeared to him very extraordinary. In 1822 and 1823, that House and the country were clamorous for reduction in the public expenditure; they now scarcely heard a word upon the subject, although some millions had been added to the expenditure. If they did not adopt a system of reduction now, what could they do when a war should come? They were now about to vote upwards of 16,000,000*l.* for the naval and military services. Now, in 1792, 4,600,000*l.* defrayed the expenses of the whole military and naval establishments of the country. In 1792, they had forty-six thousand troops; in 1822 they had seventy-two thousand: and in the present year, the army amounted to upwards of ninety-thousand, exclusive of the colonial troops. Now that the country was at peace, why should they have an army of ninety-thousand men, an artillery amounting to eight-thousand four hundred, and a naval force of thirty-thousand men? The yeomanry and the Irish constabulary amounted to fifteen thousand. Where was the necessity of having one hundred and thirty-eight thousand men actually in arms? There was, besides, the militia staff, amounting to five-thousand. Such an enormous force was perfectly unnecessary in the present state of affairs. He contended, that the number of officers in the army and navy was at present unnecessarily great. While one thousand officers would be amply sufficient in the navy, they had five-thousand; and in the army, where five-thousand would do, the officers amounted to sixteen-thousand. He hoped the new Secretary at War would do something towards reducing the expense of the army. If he paid the same attention to that department as he had done to the Ordnance he would certainly effect some good.

Mr. *W. Smith* said, he was quite sure the country could not bear the burthen which was thrown upon it. It was perfectly clear that their expenses were increasing, while they ought to be diminished. The utmost amount of debt reduced since 1813 was 2,700,000*l.* Certainly they ought, during fourteen years of peace, to have made an incalculably greater reduction. He had for a long time wished to see a government formed strong enough to try, whether the principle of reduction might not be determined on. He wished to see a government that would depend on the good opinion of the people at large, and not on the assistance of those who were interested in keeping up, because they participated in, the expenditure of the country. Minute reductions, a thousand pounds here, and a thousand pounds there, would never put the finances of the country in a safe state. In the event of a war, a sense of honour might induce us for a time to persevere; but it would be impossible long to bear so heavy a burthen; and after a few years something like national bankruptcy must take place. National bankruptcy—not national revolution; for such was the strength of our constitution, that he firmly believed it would survive even that shock.

The amendment was negatived. The House having resolved itself into a Committee of Supply,

Sir *H. Hardinge* said, that in submitting the Army Estimates to the committee, he did not mean to occupy any great portion of their attention. He confessed that he came before the committee under some degree of disadvantage; because he had not been able to render himself so completely master of the details as he could wish. Much of the inconvenience was, however, removed by the discussion which had taken place, about two months ago, with respect to the force which was intended to be kept up. On that occasion his noble friend had got a vote of money on account, preparatory to the introduction of the Mutiny bill. That vote was for 2,200,000*l.* leaving 4,386,343*l.* to be provided for; at the same time, the question of the number of men to be ultimately voted was left open to discussion. With regard to the proposition involved in the first resolution, his gallant friend opposite had objected to the course about to be taken, because he conceived that the vote was infinitely too large; and he had argued that they should go back to the course adopted in 1822. He begged leave to observe, that two thousand seven hundred men of the colonial force to which allusion had been made, did not constitute an addition to the amount of the estimates in reality, as it was merely a transfer from the army extraordinaries to the army estimates. In the fourth page, the number of men was stated to be ninety-thousand five hundred and nineteen, but from the sum charged for the maintenance of that force, they were to deduct 80,000*l.* for the pay of non-effective men: five-thousand non-effective men were here to be taken from the nominal establishment of the military force, and that force would be probably reduced still more; as the standard had been raised from five feet six to five feet seven. A greater difficulty would thus occur in maintaining the number of troops, as a smaller number of men would be recruited. The reduction would be about 100,000*l.* His gallant friend had strongly advocated the propriety of keeping up colonial corps on a large scale. He said, that, though he did not wish to garrison the whole of our colonies with such corps, yet he wished to carry the system much farther than it was at present carried. Now, in his opinion, if that plan were adopted, it would be destructive of the character and the efficiency of the army. He believed his gallant friend would be the last man who would like to see brother officers of his own condemned to that species of banishment. His gallant friend must be aware that the sixtieth regiment was for many years employed solely as a colonial corps, and was always treated as such. It was, he believed, for thirty or forty years a condemned corps; and scarcely ever, except for some purpose of patronage, was a respectable officer attached to it. If they deprived the army of that fair and laudable ambition which was very properly cherished in it, they would very soon break its spirit and destroy its efficiency.

With regard to the objection of his gallant friend, to the Dépôt companies, he contended, that they were most useful in feeding the service; and when regiments came from abroad, in reframing them with the greatest possible speed.—The gallant officer then ran through a statement of the disposition of our troops. There were twenty-nine battalions of infantry in Great Britain; which were barely sufficient to furnish reliefs to the seventy-four battalions abroad. Those reliefs were granted every ten years; so that seven battalions a year were required for the purpose. The force had, therefore, been brought down to the lowest possible scale. As a proof, there were fourteen battalions now reforming in Great Britain, which had returned home only two years; and which in two years more, must be sent out again. The gallant officer concluded by moving, "That 1,210,694*l.*, be granted to complete the sum for the expenses of the land forces at home and abroad, except in India, for the present year."

Colonel *Davies* maintained that if colonial corps were established to the number of twenty or thirty thousand men—there would then be no stigma attached to them. They would be well officered; and being well officered would be as effective and valuable as any other troops. He admitted, that there were advantages attendant on the dépôt companies; but their great expense was objectionable. We really were descending from that 'vantage ground which our insular situation gave us. While we retained the command of the sea, it was impossible that any foreign power could invade our West-India islands, before we could send out a force capable of resisting. The military men of this country argued as if we were a continental state. If we were like Austria, or Prussia, then, indeed, we must always maintain a large military force, however the expense of doing so might depress our commerce or agriculture. But, in our insular state, the maintenance of such a force was unnecessary.

Sir *H. Hardinge* said, that English gentlemen were the best officers in the world. If regiments were permanently established in the colonies, they would be deprived of the greater part of those officers.

Mr. *Hume* referred to the case of the troops in India, who were permanently established there; and who, nevertheless, were as good soldiers as any in the world. Great economy would arise from having troops stationed in the colonies, instead of constantly removing them. What he had principally risen for was, to observe, that the gallant officer had not stated why there was so great a difference between the establishment of infantry in 1822, and at the present period. In 1822 that establishment consisted of only sixty-nine thousand men; now it consisted of eighty-six thousand. What were the circumstances which rendered this increase of seventeen thousand men necessary? Many of our colonies were overloaded with troops, by which means a great expenditure was incurred; as also in providing reliefs. A great reduction might take place in that respect, and also in the troops in Ireland. If ministers were sincere in their wish for economy, ten thousand of the twenty-three thousand troops in Ireland might be withdrawn. Why were the regiments of guards fuller than before? What necessity was there also for so large a body of cavalry? Why make such a fuss about discharging a few clerks in the public offices, while they were keeping up thousands of cavalry, every horse and rider of which cost the country 150*l.* a year? There was another most extravagant item. Great merit had formerly been assumed by government, for diminishing the number and increasing the size of the battalions. Now, however, we were reverting to the old system of small corps, and an addition of fifty-four battalions was made to one hundred and four. The dépôts were also most expensive. No fewer than six hundred and fifty officers were employed in drilling troops. The whole of the Recruiting establishment might be cut down with the greatest advantage.

Lord *Palmerston* said, the fact was, that the establishment of each regiment now consisted of seven hundred and forty men, or ten companies, but with no more officers than if the rank and file of each regiment had amounted to eight hundred men. In 1792, the same number of officers would have belonged only to four hundred men. It was his sincere opinion, that the present organization of the army was the best that had been formed within his memory. He denied that the officers of the dépôt companies were employed in recruiting; but he admitted that they were occupied in drilling and training recruits. The only officers employed in recruiting were those belonging to regiments abroad; from which they were detached, in order to superintend the recruiting. There was only one from each regiment, and his allowance was no more than would cover his incidental expenses. As to the difference of expense between the guards and the line, it only amounted to 7*s.* per man in favour of the line.

Colonel *Trench* said, that the system of the war department reflected equal credit on those who had gone out, and those who were in. He was anxious to make a short statement in opposition to that of the hon. member for Aberdeen, in justice to the memory of an illustrious individual, now no more, under whose superintendence the army had arrived at its present improved condition. He then entered into various calculations, to prove that the cost of the same number of cavalry and infantry, in 1792, was precisely 453,000*l.* more than it was in 1822, allowing only fifteen per cent for the difference in the value of money at the two periods, although great authorities had calculated that difference at from twenty-five to forty per cent.

The resolution was agreed to. On the resolution, "that 12,995*l.* 15*s.* 8*d.* be granted for the charge of the Royal Military College, for the year 1828,"

Mr. *Hume* observed, that this was a most useless vote. It was a charge for educating young men for the army, which the country ought not to pay. The sum we had already paid during the last ten years, amounted to 232,437*l.*, which, for five hundred and forty-six young men, amounted to upwards of 425*l.* per man. This, in the present state of our finances, was too much. Why not allow parents to educate their children at their own expense. If this establishment was to be kept up, let it not be at the expense of the country.

Sir *A. Hope* said, that as one of the commissioners to whom the confidence of the Crown had committed the superintendence of this establishment, he felt it his duty to defend it against the attacks of the hon. member. The establishment was not, as the hon. member had said, for boys. It was for the education of the staff. In 1792, a favourite year with the hon. member, we had no education for the army; and the exercise of firing by platoons, or a general salute to a commanding officer, were the only education of our officers. In the war in Flanders, to the disgrace of our army, we had to apply for captains of a foreign staff to instruct our troops; and an Austrian captain, now a general officer in our service, was one of those employed. Since the establishment of the Military College, the case was different. We had a number of officers educated for the staff, and fit to take their station in any department of the army. Of the men who had been educated in that college, a vast number had been distinguished in staff employments. There were three quarter-masters-general, one of whom had not only been distinguished in our service, but chosen quarter-master-general of the allied army of occupation. There had been besides, two thousand and fifty cadets educated there. The Finance Committee of 1817 had inquired into the state of the college; and the establishment was now on the plan recommended by that committee.

The resolution was agreed to.

GAME BILL.] Mr. *Stuart Wortley*, in moving that the House go into a Committee on this bill, observed, that the bill had received the sanction of the aristocracy and the great landed proprietors of the kingdom. The scarcity of game in the market had long held out to poachers a temptation to the commission of depredations upon the preserves; but he was satisfied that this bill, by rendering game less valuable, would materially check the evil.

Sir *John Brydges* said, he altogether disapproved of the bill. The interests of the class of independent country gentlemen would be sacrificed by it, and the higher and the lower orders only would be benefitted. The first being enabled from extensive and uninterrupted acres, to bring to market a very profitable produce of game for sale; and the last, receiving a right to kill game on their own lands, by possessing ten acres only. Under this provision, it would be no longer possible for those country gentlemen, living in that part of England where property was much divided, to protect their game. This ten-acre qualification would be a constant source of altercation, and would greatly tend to create ill blood between neighbours, who would otherwise live in harmony. This bill would operate against the inducement country gentlemen should feel, to reside on their estates; a most mischievous effect, and which was one of the great evils under which Ireland was suffering. As to legalising the sale of game, and thus affording a check to poaching, he was satisfied the bill would not only be inoperative on that score, but that it would give greater facility to it. Under these impressions, he would move, that the bill be committed this day three months.

Sir *J. Shelley* said, he had for many years opposed the principle of this bill; but he felt it his duty no longer to do so. He had not relinquished any of his opinions on the subject of these laws; but they would not be interfered with by the principle of this bill. One of the great evils of the Game-laws arose from the system of *battues*, which was the practice of enticing the game into a corner, and destroying them there. The crime of poaching was chiefly encouraged by the mode of keeping preserves.

Sir *H. Vivian* said, that from the facilities which the bill gave to the sale of game, he thought that poachers would increase. Wherever preserves sprang up, poachers invariably sprang up also. By lowering the qualification, as was proposed, idleness and brawls would be encouraged among the inferior classes, and particularly amongst young farmers and apprentices. It would also have the effect of driving the country gentlemen to the metropolis; as they would no longer have the exclusive right of sporting, which constituted their principal amusement. If the bill should pass, he hoped it might receive such alterations, as would render it more beneficial to the country.

Mr. *C. Wood* said, that some alteration in these laws was required by the country, and he thought that alteration likely to be effected by the present bill. It was notorious, that there was a feeling in favour of poachers, which prevented them from being visited by the punishment which the law enacted.

Lord *W. Powlett* approved of the bill, because it would decrease the remuneration for poaching, and would consequently diminish the crime.

Mr. *R. Colborne* would not oppose the measure, although he did not altogether accede to its principle or provisions.

Mr. *F. Lewis* supported the bill. The present laws for preventing poaching were quite inoperative; whereas the law proposed to be enacted might be acted upon. He considered that the quantity of game would be increased under the proposed bill; as farmers, finding a legal mode of selling game introduced, would be induced to rear it.

Mr. Secretary *Peel* supported the bill, although he was not so sanguine in his expectations of its success, as were some of his friends. He felt convinced that the present system was a bad one, and that the adoption of this measure would be one great step towards its amendment. At present, no man could preserve his game, without the employment of an armed force, and this created a disagreeable feeling between parties who ought to stand in a different relation towards each other. He thought certain qualifications might be introduced, which would induce the owner of small portions of land to part with their right of sporting and sale of game to their more opulent neighbours.

Lord *Morpeth* approved of the general principle of the measure, and observed, that his hon. friend, and his noble relative in the other House, deserved the thanks of the country for bringing it forward.

Mr. *Duncombe* supported the bill, on the ground that legalising the sale of game would put an end to poaching.

Mr. *G. Lamb* wished to see the market for the sale of game thrown open; but he feared that this bill would not effect all the desired purposes.

Mr. *Benett* supported the bill, as one step towards an improvement of the existing code of laws.

The bill was then committed.

HOUSE OF LORDS.

Monday, June 16.

PROTEST AGAINST THE CORN BILL.] The following Protest was entered on the Journals:

"Dissentient.—Because the bill, imposing high and most unreasonable duties on the importation of foreign corn, is most impolitic, if intended as a source of revenue, inasmuch as taxes laid upon the necessaries of life increase the cost of labour, diminish the profit of capital, and are the immediate cause of general decay and impoverishment. It is most unjust, if intended to enhance the price of corn for the advantage of individuals, inasmuch as a monopoly for that purpose is opposed to the first principles of legislation, and invades the rights of the community at large.

"2nd. Because it is an abuse of the legislative power, held in trust for the public good, to enact laws calculated to promote the private advantage of any one particular order. The use of law is to secure equally to all, the fruits of their labour and industry; the abuse of law is to take away, either directly, by unnecessary or unequal taxation, an undue proportion of the produce of the labour of the community; or, indirectly, to compass the same end by odious and destructive monopolies, conferring exclusive privileges to one order at the expense of all other classes of the community. If the landowners have an undoubted right to the property they possess, and to the absolute disposal of the produce of that land, the people of the country have not less an undoubted right to obtain their supply of food either from the home-grower or from any other who can afford it at the cheapest rate.

"3rd. Because the present bill affords no expectation of establishing a final settlement of the Corn-laws, so desirable and necessary for the country, after suffering the evil of monopoly, fluctuation, and uncertainty, for a period of thirteen years; but utterly hopeless, until the proposed laws shall be consonant to sound policy, common right, and equal justice.

"4th. Because a varying scale of duties has the effect of making the importation of corn irregular, on account of the apprehension of unfavourable, or the expectation of favourable, opportunities; whereas a moderate fixed duty would encourage a large investment of capital in the corn trade, and thereby afford the best security which the nature of the commodity allows, of obtaining steady prices, no less desirable to the consumer than to the producer of grain.

(Signed) "KING."

STAMP DUTIES IN INDIA.] The Marquis of *Lansdowne* said, he had a petition to present from the merchants, traders, and inhabitants of one of our most important colonial possessions, Calcutta, who thought themselves aggrieved by transactions which had taken place there. These opulent persons complained that, without any sufficient notice, and on grounds which they considered illegal, the local government imposed a heavy stamp-duty on all transactions which might take place in that city. The local government had thought itself entitled to raise that duty, under the 53rd of the late king, by which it was enabled to raise in Calcutta all such duties on goods and merchandize as it was legally justified in raising in other parts of India. The petitioners, however, did not conceive that, under the name of duty on merchandize and goods, was included a duty so vexatious as a stamp duty. The petitioners considered themselves entitled to protection, inasmuch as they laboured under peculiar privations, being prevented from acquiring property in the same mode as the other native inhabitants, and inasmuch as they furnished a large proportion of the revenue of India, in the form of duty on Customs. They considered that the government of India could not be justified in raising such a duty as that of which they complain; inasmuch as, if the government had the power, it had possessed it ever since the passing of the 53rd of the late king; but, during all that time, the government had in no case had recourse to that duty. The petitioners complained, that they had been denied the opportunity, at a public meeting, of expressing the public opinion on this question; the government having interfered to prevent such meeting. They complained, that this tax was secretly determined upon in India, secretly communicated to this country, to procure the order of the Court of Directors, and secretly sent back again to India; so that the duty was in force before the petitioners had an opportunity of considering or protesting against it. The legal question was undoubtedly an important one, upon which he should be very sorry to hazard an opinion. But he would venture to say, that, as the time was approaching when their lordships would have to legislate for the whole of that vast empire on the renewal of the charter, it was incumbent on them to acquaint themselves with the mode in which the fiscal resources of that country were administered, with the purpose of placing them on a secure and firm basis.

Lord *Melville* said, that this subject was submitted to their consideration, first, upon the legality of the proceeding, and next, on its expediency. With respect to the former, he thought it quite clear, that, by the 53rd of the late king, there was a legal power to impose this tax: it had been affirmed by the Supreme Court, the judges of which were unanimous as to the strict legality of the act. If the parties were dissatisfied, why not bring the question before the privy council in the form of an appeal? As to the expediency, he could not conceive why a tax which had for thirty years been freely levied in the provinces, should not be equally collected in Calcutta. No reason had been assigned for the distinction, and the Board of Control, so far back as the time of Mr. Canning's presidency, had sanctioned the order of the East-India Company to the authorities in India to levy it. The local government, however, did not act upon this order or suggestion for some years after. With respect to the preventing of meetings of the people upon the subject, so far back as 1806 orders were sent out which bore the signatures of lord Henry Petty, lord Althorp, and other high official persons, to prevent such meetings. So that, were the order right or wrong, the complaint ought to be attended to.

Ordered to lie on the table.

SCOTCH PAROCHIAL SETTLEMENTS BILL.] The House having gone into a committee on this bill,

Lord *Melville* said, he must oppose this bill, because its enactments were quite at variance with the title. It purported to extend the period necessary to constitute a Settlement in Scotland; but this it did not do, for it left the natives of Scotland in this respect where it found them, while it extended from three to seven years the time of settlement for persons who were not natives of Scotland. The sole object of this bill was, in fact, to prevent the influx of the poor Irish into Scotland. This mode of legislating was contrary to the spirit of the Act of Union, and was unfair and invidious. He would move, as an amendment, that the words "not being a native of Scotland," be omitted. The omission of those words would make the bill a general bill, and prevent it from being applicable to particular individuals only. He would also omit the proviso of the bill. He was not, however, prepared to defend his own amendment; for he thought it would be much better to defer the consideration of the whole measure to the next session.

The Earl of *Rosebery* said, he should not press his opposition to the amendment to a division; but if any other noble lord should divide the House, he would divide with him. He exonerated the bill from the charge of its being an anti-national bill, as affecting the people of Ireland, and contended, that the amendment completely annihilated the principle on which it was founded. As the amendment was likely to be carried, he should not think of proceeding further with the bill this session.

Lord *Napier* said, he must oppose the bill, as it went to subvert the ancient system of poor-laws in Scotland. He believed that altering the time necessary to obtain a settlement from five to seven years, would make the case much worse than it was at present. This bill had been passed by the other House, in consequence of a petition from the manufacturers of Glasgow; and yet he understood that whenever the manufacturers of Glasgow were in want of hands, they sent to Ireland to obtain them. The Irishmen came over in crowds: and then, at the end of five or seven years, the Glasgow manufacturers having sucked their blood, became anxious to get rid of them. He looked upon such conduct as a species of barbarity, which the House ought not to tolerate.

The Marquis of *Bute* said, he had doubts whether the evils which this bill was intended to remedy would be remedied by extending the time necessary to obtain a settlement in Scotland. This bill was not brought forward entirely on the representations of the manufacturers of Glasgow; for the evil was felt pretty generally throughout Scotland. He would adopt the alteration which had been proposed by the noble viscount; and would then let the bill drop for the present session, not by withdrawing it, but by failing to move its further progress. Such a mode of proceeding would call the consideration of parliament to it in an increased degree next session.

The Earl of *Limerick* said, that as this bill was founded on a principle of exclusion, it had been his intention to oppose it; but, after the declaration of the noble viscount, he considered it to be already dead in law. He deprecated the introduction of the English system of poor-laws into Ireland; and contended, that the emigration of the redundant population of Ireland into Scotland was calculated to raise the emigrating population to the same moral level with that on which the population stood among which it settled.

The Earl of *Haddington* said, that the opposition which had been made to this bill, would create a strong impression in Scotland, that something ought to be done to compel the people of Ireland to do more by law for their poor than they did at present. The people of Scotland did not wish to impose an evil upon the people of Ireland; they only wished to prevent the people of Ireland from imposing an evil upon them. He could not agree, that the emigrants from Ireland would, during their stay in Scotland, rise to the same level with the population of Scotland. On the contrary, they would bring down the population of Scotland to the level on which the population of Ireland now unfortunately stood.

The amendment was agreed to. The report was brought up and ordered to be received this day three months.

HOUSE OF COMMONS.

Monday, June 16.

ARCHBISHOP OF CANTERBURY'S BILL.] The Attorney-general having moved the third reading of this bill,

Mr. *Hume* said, he could not consent to the passing of this bill in its present state. An account of the fees and emoluments accruing from the offices of which his grace had the appointment had been put into his hands. The salary of the principal registrar, in the year 1826, had amounted to 7,600*l.*, and in 1827, to 8,400*l.*, although he was free from all the labour incidental to the office, the duties of which were discharged by clerks, who had but a small stipend. Now, as this was deriving a large income from an office held entirely by deputy, such an unnecessary sinecure ought to be abolished as soon as possible. The House had formerly come to a resolution to do away with all such situations, and a committee appointed for examining into the subject, had made a report in June, 1811, making mention of the sinecure offices in the Admiralty and Ecclesiastical Courts. It appeared that the duties of registrar were discharged by three deputies at a moderate salary; while the principal, who had nothing to do, enjoyed a splendid revenue. It was high time that the public should be relieved from such an expense, and he decidedly objected to giving a power which would prolong its continuance. It was not his wish to oppose the bill, if the learned gentleman would permit the insertion of a clause, to prevent any provision therein contained from interfering with whatever future regulations respecting the office, parliament might think proper to adopt, during the life-time of the person whose name was now to be introduced. If not, he would move, that the bill be read a third time this day three months.

The *Attorney-general* said, that the report of the committee alluded to was highly creditable to the manner in which the duties of the situation had been invariably discharged, and he could not consent to the principal officer being superseded. Such a measure could not change the nature of the office, although it would withdraw the responsibility from the persons in whose hands it was most suitably intrusted. Nor had the report animadverted on the fees of the office as being too large for the duties which it imposed. He doubted whether the hon. gentleman, though so rigid an economist, would think 12*d.* too liberal a remuneration for going to Doctors' Commons to inspect a will. Those small fees had increased beyond their former amount; but business had increased in the same proportion. This office had always been in the gift of the archiepiscopal see; and, therefore, the appointments and emolument attendant on it constituted a part of its patronage. The archbishop had as equitable a right to the introduction of a third life into this patent, as the law gave to any individual to do the same by a lease or copyhold in case of a renewal.

Mr. *Wynn* supported the amendment. They were now called upon to continue a sinecure amounting to 8,000*l.* annually. The nomination to four other offices was involved in the question. Those salaries were in total 5,000*l.* per annum. It seemed, by this statement, that such patronage was more valuable than any domestic office in the king's gift, and the emoluments were still likely to increase. Feeling that a retrenchment in sinecures was required, he should oppose the bill.

Dr. *Lushington* said, he was not convinced of the justice or necessity of such a course. He nevertheless was by no means prepared to say, that this office was not a fit subject for future regulation. It was at present conducted in a manner satisfactory to the public; and it ought to be remembered, that the archbishop would have the power to introduce younger lives, in the event of the bill being rejected.

Dr. *Phillimore* said, that in 1810, on the recommendation of a committee, certain sinecure offices were ordered to be abolished, and a bill was brought into that House, to make the duties be performed by the principals and not by deputies. Three offices were, upon that principle, abolished by that bill; and the present was the only one that remained. His learned friend had told the House, that the duties of this office were well performed. He did not deny that they were admirably performed; but the duties were performed by deputies, the principals being beneficed clergymen, resident at a distance from London. The office was a complete sinecure, amounting to 8,000*l.* per annum, not to speak of the patronage attached to it. There were five other offices in the hands of the principal registrars, amounting to 5,000*l.* a-year. The House had, therefore, to deal with a sum of 13,000*l.* per annum, attached to an office the duties of which were performed by deputies. The whole office required regulation and revision.

The *Solicitor-general* said, the office had already undergone the sifting of a committee, whose report was on the table of the House: it was therefore rather hard to say now that it required revision and regulation. The real question before the House was, whether the position in which the parties stood—seeing that under certain circumstances they had been obliged to come before the House to claim its aid —was such as to call upon that House to do that circuitously and indirectly, which it had not taken up openly and directly [hear]. The commission in 1823, which suggested the abolition of certain offices, never mentioned this.

Sir *J. Yorke* said, it appeared that enormous emoluments were attached to this office, and a great increase had taken place in those emoluments, while the duties of the office were performed by deputy. Now reductions should be made in offices of that description before the House were called upon to reduce the pay and half-pay of those poor fellows who had fought and bled for their country.

The House then divided: For the Amendment 49; Against it 83; Majority 34.

East India Trade—Equalization of the Duties on Sugar.] Mr. *Huskisson* said, that, although he had given notice of his intention to present a petition from the Merchants of Calcutta respecting the Trade with India, still he did not mean to provoke any discussion on the important question to which it related. That petition was intrusted to him, he might almost say, on behalf of every British merchant in Calcutta, and of a considerable number of the most wealthy native merchants in that opulent city — persons whose skill, enterprise, and industry, if fostered and encouraged, must prove highly beneficial to this country. He would also say, that as these parties were not represented in that House, that they came before the legislature with peculiar claims to attention. Now the petitioners stated, that they felt much satisfaction at the increased facility given of late years to a commercial intercourse with other countries, as well as with the mother country and its dependencies. They felt confident that the same system would still be pursued, and that on any occasion, when the legislature introduced measures affecting the trade between this country and India, they would consider free intercourse as the rule, and restriction as the exception, to be only maintained on some specific ground of necessity or of commercial policy. He could not think there was a doubt that parliament would take this view of the subject, when they were called on to consider of the renewal of the East India Company's Charter; because, if they looked back to the effects which had been produced by the relaxation that took place after the last renewal of the Charter, they would find, that the direct commerce between this country and British India had been more than doubled. New branches of trade had sprung up, and others were every day arising; contrary to the predictions of those who were considered to be the great practical authorities on this subject. In the same manner those authorities confidently stated, that the greatest evil would result from any permission being given to British subjects to send their capital, for the purpose of investing it in projects connected with the improvement of manufactures and commerce in India. These opinions had, however, given way to more liberal views; and it was now allowed, that the capital of this country might be employed most beneficially, in the improvement of the arts and manufactures of British India; and where such a system had been acted on, in Calcutta and its neighbourhood, a greater bond of union was observable between the British authorities and the natives, a great improvement in arts and manufactures had taken place, and those moral feelings which enabled individuals to discharge all the duties of social life were more sedulously cultivated. This country, therefore, was not slow in extending civil rights to the people of Calcutta, which they did not before possess. The natives were now competent to serve on juries; and, in proportion as they formed an acquaintance with the English language, habits, and feelings, their improvement would become more decided and rapid. He could only look to the increased intercourse between individuals of the two countries as a source of mutual benefit. The petitioners further observed, that they were satisfied that much inconvenience was felt, and much injury sustained, in consequence of the difference of duty on East and West India sugars. That question had, however, been postponed to a future period, the petitioners also complained, that other staples of India, such as cotton, &c., were, in consequence of the rate of duty, excluded from this country. In fact, they felt that those articles were treated as if they were not the produce of a British possession, but of a foreign colony; and they prayed that, even in the present session, some reform might be effected in the scale of duties. When these subjects came regularly to be discussed, he had no doubt that the utmost attention would be paid to them; and, looking to the trade with the Indian Archipelago —looking to the various new sources of trade and commerce which were springing up—but more particularly looking to the probable intercourse between India and the liberated States of South America, he was satisfied that a field would be opened for the employment of British capital, much more extensive than was imagined by those who had not narrowly considered the subject. These branches of commerce were only in their infancy; if they were encouraged the country would derive incalculable benefit from them.

Mr. *Whitmore* said, he did not agree with his right hon. friend, that this question ought not to be discussed on the present occasion. On the contrary, such was its importance, that it ought constantly to be before the House. They had an empire in India, covering nearly thirty degrees of latitude, and upwards of thirty degrees of longitude, containing a population of eighty millions, possessing every variety of soil, and abounding in every species of tropical production. It was quite evident, therefore, that to cultivate trade and commerce in such an empire was a matter of the first importance. His right hon. friend had alluded to the difference of duties on commodities the growth of India, and on the same commodities produced elsewhere. Now, he had always contended, that so manifest an inequality should be remedied. He would say, that there ought to be no restrictions at all. He entirely agreed with the petition, that it was not the removal of these heavy duties alone which would open to this country a great field of commerce; but that it depended, in a great degree, on a considerable change in the government of India, and on that application of British capital to the productions of the east, which would bring them into general consumption, and cause trade to flourish to an extent greater than had ever been contemplated. His right hon. friend had observed, that great improvement would be effected in the manufacture of East-India productions, by the agency of British capital. That would generally be the case; but there was one article of East-India produce which stood out so prominently from all the others, that he begged to call the attention of the House to it, as illustrating the position of his right hon. friend. That production was indigo, the only one almost on which British capital was employed. In 1786, little or no East-India indigo was imported. It was a very indifferent article, and scarcely any of it was called for; but, since British capital had been embarked in that manufacture, it had improved in quality, and, instead of being inferior to indigo manufactured in other parts of the world, it was now twelve and a half per cent better than the indigo imported from Spanish America. The demand had increased thirty fold since that time. Now, he was sure, if they pursued the same course with respect to sugar, cotton, and various other articles, the result would be the same. The disqualifications which existed with respect to British subjects in the east, prevented the extensive employment of British capital in that country. Those disqualifications were of a galling, vexatious, and tyrannical nature. An English subject could not proceed to that country without a licence;

and he could not travel above ten miles from any presidency, without a particular permission, filed in the regular court. He had frequently seen a notice in the Calcutta paper, stating, that it was necessary if an Englishman left India, that he should produce a document, signed by the proper authorities, declaring that while there he had conducted himself well, if he wished to procure a licence here, to enable him to return. Now, a more vexatious or arbitrary proceeding could scarcely be adopted by any government; particularly when it was recollected, that the licence was to be given by parties who were rivals in trade. The free trader applied for this licence to the Company, who were the monopolists; and who, when they came in contact with him, were influenced by narrow and exclusive feelings.

Mr. *Hume* was greatly pleased that the right hon. gentleman had presented a petition, which stated so broadly and so justly the principles on which the House ought to proceed. If they looked back, however, to what had been done since the last renewal of the Company's charter, they would find that there was not one of those important principles that had not been violated in India. The petition contained two main propositions; one with regard to free trade, and the other with respect to the intercourse of Europeans with India. The rights of British subjects in that country had been violated by the act of parliament, and by every regulation passed by the Court of Directors and the Board of Control. While 27*l.* a ton was paid on sugar imported from the West Indies, 37*l.* a ton was charged on East-India sugar. The same observation might be made with respect to cotton, turmeric, and spirits. When the charter was renewed, they had been told, that, under no change of circumstances, could any increase of exports to India take place. But, what was the fact? An immense increase of exports had succeeded the renewal of the charter. In 1814, we exported two hundred and thirteen thousand yards of plain manufactured cotton, but that species of export had gradually increased until 1826, when it amounted to sixteen millions of yards of plain cotton. With regard to dyed cotton, instead of six hundred thousand yards, in 1826 the export had gradually increased to ten millions of yards—the average amount exported of these two articles alone being twenty-six millions of yards instead of eight hundred thousand yards, which was the amount in 1814. British subjects were worse treated in India than in any other portion of the British dependencies. It was impossible for any country labouring under such a series of disabilities and disqualifications to prosper.

Mr. *Astell* declined going into the wide field opened by the hon. member, and which had no connection with the petition. Whether the system of government adopted with regard to India ought to be changed or not was not now the question; he would not, therefore, enter into it. But he could not hear the hon. member charge the East-India Company with prejudice and monopoly, without denying that any such charge properly attached to them. He presumed to think, that in the government of India the Court of Directors exercised their honest judgment. Whenever that question came before the House, he should be prepared to go into it.

Mr. *Baring* agreed, that this was too wide a question to be discussed on a petition. When the great question of the charter came on, and also the question of the monopoly of the China trade, that would be the proper time for discussion. This question, than which he knew of no one of greater importance, had, he must say, been treated by his hon. friend (Mr. Hume) on the most narrow scale possible. It was not a question of indigo or sugar: it rested upon much more important grounds. As to the question of East-India Sugar, he believed that it had been altogether overrated, both with respect to the benefits which the West Indians derived from the restriction, and with respect to the extent to which the East Indians could carry this trade. Sugar never would come from the East Indies but in the way of ballast; and he entertained great doubts whether a large quantity of sugar could ever be raised in the East Indies.

Mr. *Warburton* said, the hon. member had spoken as if it had ever been contended, that colonization should be effected in India as in Canada. Their object, as to Canada, was to send out their pauper population there; but could any one be absurd enough to propose, that paupers should be sent to a country, where the wages of the labourer were under 3*d.* a day? What was meant by colonization in India was, that men of capital should be allowed to migrate to India, to take mortgages on land, and to possess land. The hon. member had also argued pretty nearly to this effect—that as there had hitherto been a monopoly in India, there ought to be a monopoly for the future. Had they not constantly heard of the Dutch and Spanish monopolies? Had we not been in the habit of throwing such parts of the commercial policy of these countries in their teeth? The hon. gentleman had contended, that sugar, cotton, indigo, and the like, were objects not worth the consideration of this country, in its relations to so great a territory as India. But, was it not the duty of government, by foreign dependencies, to increase the comforts of the people of England?

Mr. *Robert Grant* said, that the petition was extremely mild and temperate. It called upon the House to consider whether the prohibitions upon the intercourse of Europeans with the interior of the country,—prohibitions imposed, not by the company but by the parliament, and also the commercial restrictions, ought to be allowed to continue. As to the intercourse of Europeans with the interior, whether the prohibition were right or wrong, it had existed from all time; and the petitioners, not venturing to point out any course for the adoption of the House, merely prayed that they would take into their consideration, whether it would not be expedient to repeal the act of parliament which enacted this prohibition; and he would appeal to the House, whether these temperate petitioners were treated fairly by gentlemen who introduced angry and irritating topics. With respect to the renewal of the charter, he was so deeply impressed with the difficulties of the question and the magnitude of the interests involved, that he must suspend his judgment. Whenever he came to give his vote on the subject he should have the satisfaction of knowing that his judgment had been conscientiously formed. He would, however, say, that this was not merely a commercial question. The interests of millions were connected with it in a commercial, but they were infinitely more closely connected with it in a political, point of view. He remembered when evidence was heard at the bar of the House, prior to the last renewal of the charter, that sir Thomas Munro had given it as his opinion, that, considered simply as a commercial question, freedom from restriction would considerably increase the trade in India; but that, looking at it in a political point of view, his mind was so balanced, that he could not declare his assent to its expediency. On the subject of political danger from the relaxation of the present restrictions, he certainly did not apprehend any danger in the first instance; because regulations might be resorted to, by which the causes of any such danger would be counteracted. But the danger and inconvenience, if at all, would, he took it, arise in future. It might not occur in our time; but, if at all, it would occur at a time when there would be found in India an extensive creole population—not balancing the other parts of the Indian population, but still existing in particular spots and interstices in considerable numbers. The problem which would then arise would be how to adjust the differences which the co-existence of various races in the country would occasion, in such a manner as to prevent the most injurious collisions of interest? There must be some inequality; and they would therefore have one caste in opposition to the other. The history of the world afforded abundant instances of evils which had resulted from such a conflict, and from the attempt to put one privileged class at the head of another. This he believed to be the real difficulty.

Mr. *Courtenay* said, that since the year 1813, he had been witness to many great and important alterations, all of which were in favour of the removal of restrictions. If the discussion was continued, it would be impossible to get through the orders of the day; one of which would give him an opportunity of carrying into effect some of the recommendations of hon. gentlemen.

Ordered to lie on the table.

BANK NOTES (SCOTLAND AND IRELAND) BILL.] The Chancellor of the Exchequer moved the order of the day for going into a committee on this bill.

Mr. *Hume* said, that the object of the bill was to restrain Scotch Bank Notes from circulating in England. This must lessen the circulating medium of England. He had objected to putting an end to the small notes, in 1826; and he had seen nothing since to induce him to change his opinion. Did the right hon. gentleman mean to make any difference in principle, between a paper circulation of 1*l.* and a paper circulation of 5*l.* notes? If so, he thought the right hon. gentleman wrong in principle; since there was as much chance of losing by a 5*l.* note as by a 1*l.* note. He would also contend, that this was against the sound principles which ought to regulate the currency. Those who thought that currency ought of itself to be of any value, might prefer that it should be in one article rather than in another—in gold, for instance, because it had an intrinsic value. But if Adam Smith's principle were to be allowed—that the currency was of no value, but that it was merely a means of commerce, then he would contend, that the currency should be as economical as possible. In proportion as the currency was expensive, in that proportion was the country impoverished; and he therefore contended, that the medium of exchange ought to be the cheapest possible. With regard to a guinea and paper, a guinea was not necessary for the internal operations of the country, but only for the external operations. If, therefore, they mixed the two, they ought to have as much paper as possible, and as much gold as might be necessary for transactions abroad. If this view were correct, he put it to the House, whether it was right to reduce the paper currency. If the object of the bill was to prevent panic, it would not be found to answer. The panics which had taken place were not attributable to an excess of paper currency, but to the great and important changes in our commerce, and to the sudden demand for gold to answer our exchanges.—If it was intended to put banking on a secure footing, let security be demanded of bankers, and let no persons without capital be allowed to coin money. But the right hon. gentleman had left the bankers on the same footing, and had suffered a system to continue which was pregnant with panic and loss. The true foundation for the security of a paper circulation lay, not in the denomination of the notes issued, but in the instant convertibility of those notes, of whatever denomination, into gold. What the country wanted was, simply a good system of banking. The United States of America formed a singular illustration of the truth of this principle. In that country the banking system was different in different provinces. In the state of Massachusetts, the law was, that every bank should publish an account of all its transactions, the amount of its assets of every description, and the extent of its issues, on a given day in the year. Besides this security, any bank that refused to give bullion for its paper was deprived of its charter. In Massachusetts, notes were issued in abundance of as low a value as a dollar; and yet, such was the force of these regulations, that not a single bank in the province had failed. On the other hand, in Kentucky, where the system of banking was nearly the same as in England, bankruptcies and panics were common, and the paper often at from 15 to 20 per cent discount. In France, again, where banking affairs were understood, alarms were unknown. The effect of any bill which was to cripple or restrain the circulation of paper in Scotland must necessarily be to produce effects the most detrimental to that kingdom. No man could be more hostile than he was to a paper currency not readily convertible into gold: but because he believed that it was a paper system founded upon a safe and regulated basis that the country wanted, and not a measure which would still farther restrict a currency already too far diminished, he should oppose the going into a committee, and should move that the bill be further considered on that day three months.

Lord *Howick* said, he would oppose the present bill, simply upon the ground of the excessive mischief which it must produce in the north, when the same money which was current on one side of a given line, would now be forbidden to be received on the other. The effect of such a law could only be, that it would be violated, whenever men's interests were concerned in setting it at defiance; and a system of informing would grow up: men would take a Scotch note from their employer one day, and inform against him the next.

Mr. Alderman *Thompson* believed that the chancellor of the Exchequer had estimated the small-note currency of the kingdom too low. The right hon. gentleman had put the whole amount under two millions and a half. But there were six-hundred and sixty-eight bankers in England; more than five hundred were issuers of one-pound notes; and, supposing each to have only 10,000*l.* out in such notes here was an amount of 5,000,000*l.* The effect of the policy now pursued must necessarily be to withdraw this sum from the circulation; and he did not believe that such a course could fail to be attended with considerable mischief. He was unable to see any security in a metallic currency, which the country might not just as well derive from a well-regulated paper system.

Mr. *Hudson Gurney* said, he wished to call the attention of the House to the bill before them, which was one of the most absurd pieces of legislation ever introduced into that House. It granted a great boon to Scotland, and imposed a great privation on England. If he read its provisions rightly, they amounted to this—If an Englishman took a Scotch note of 20*s.*, he would be liable to pay a penalty of 20*l.* under this act, if he attempted to exchange it for money. It was already difficult enough to get money from the other side of the Tweed, but this would enhance the difficulty. There was no mode by which an Englishman, who took a Scotch note, could obtain the money for it, unless he went all the way to Edinburgh to receive it in person. The hon. member read a clause of the act making it punishable by a fine of 20*l.* to transfer or exchange a Scotch note. He wished to call the attention of the House to the Bill, and not allow it to wander into a discussion of gold and paper currency, and all the other important questions with which the project was connected. It was impossible that the right hon. gentleman could carry such a measure into execution. All that he could do to prevent Scotch notes circulating in England would be to prohibit Scotch Bankers from having agents in England, which would make the business of circulating their notes in England so expensive, that it would not be advantageous. He did not by any means say, that it was desirable to do this; but it was the only thing which could be done by legislation, to prevent Scotch notes from circulating in England. On the whole, it was impossible that the bill should pass in its present shape: whatever might be its fate, it must be modified.

Mr. *Baring* said, that the objection of the hon. member would most properly come before the House when the bill was in committee. As on the general question of restricting the circulation of the one-pound notes, there might be a difference of opinion; but it having been agreed that the issue of such notes in England should cease, to forbid the circulation of Scotch notes of the same description on this side the border seemed to follow as matter of course. If this bill were not passed, it would be merely taking away the right of issue from one set of men to give it to another set. Establishments would at once be formed in Scotland to issue notes for circulation in England. Indeed he was acquainted with an opulent person, who, if the bill were not passed, would take that course immediately. What was there to prevent a banker in Newcastle, who was not allowed to issue notes at his own bank, from putting his name into a Scotch firm, and circulating notes in England? With respect to the general question, he saw little in the position of Scotland, to exempt her from the same rule which was made applicable to this country. The system of cash credits in the Scotch banks, of which so much had been said, only gave the same advantage which was given in England in another way. There was nothing in the circumstances of Scotland to entitle her to any peculiar indulgence upon the paper question; except that the paper issue was an old part of her arrangements, instead of being, as with us, by comparison, a matter of novel introduction. The evidence of the system being of long standing in Scotland, determined the government to allow the one-pound note circulation to go on in that country; but, if they consented to this, he did not see why they should refuse a law to prevent the circulation of those notes in England. If they delayed it till next session, they would only increase the difficulty which, at some time, must be settled. He understood the difficulties which would arise on the Scottish border from the proposed system. What would be good payment in one country, would not be so considered in another. It was no doubt an anomaly which would occasion some distress and inconvenience; but when they had the anomaly of having a one-pound note circulation in one country and not in the other, they must expect such inconvenience wherever they drew the line. In looking at the question, whether they should return to the small-note circulation, he did not wish to undervalue the difficulties which the abolition of that circulation would create. He was of opinion, at the time of the panic, that the too hasty removal of the small-note circulation must create difficulties. But then we had only a choice of difficulties, for it was clear we had no security in paper currency; for if it was general, its necessary effect would be, to displace the metallic currency. The question then, at last, came to be one of present convenience against permanent security. That the loss of the small-paper currency would be a sacrifice he had admitted; but it was one which we were called upon to make, for the general benefit and security of the country. They had been told of the horrors of an inconvertible paper currency; but when paper was circulated to an immense amount, it would so drive out the gold that we should not have any from one end of the country to the other. If, in this state, a sudden demand for foreign corn should arise, so as to render it necessary to send gold out of the country for it, what should we do with the mass of rags in circulation? Would they be of any use in settling our foreign accounts? Undoubtedly not. We should find, that the only paper on which we could rely was that which was founded on a metallic basis. It must, however, be recollected, that to have that system we should go back. Were they prepared then to go back to an entire paper currency? Or would they be satisfied to go on, from year to year, in a state of uncertainty; undoing one session what they had done in the preceding? In looking at the difficulties of a return to paper, let them recollect, that one-half of the country banks had already made preparation for the intended measures of government; therefore parliament would not support its character, if it did not maintain a steady course.—He would not say more on the subject of a silver standard at present, than that one great object of a silver circulation would be that of laying the broadest basis for our paper currency. We were the only country which had not this circulation as the standard; and hence arose the difficulties which we had to encounter, when the Bank found it necessary to give a turn to the screw and limit the circulation; the inconvenience was severely felt by the public, and often ended in a panic. This would not be the case, if we adopted that which was the standard of all other countries. The hon. Bank director had told them, that if they watched the exchanges, they would know when the Bank meant to turn the screw; but he would contend, that they could not, in the present state of the metallic standard, ever limit the circulation without inconvenience to the country. He took the case of the bank of France as an illustration; for there, where silver was the standard, gold came in its aid, and no difficulties were experienced by a temporary limitation. The same might be observed of Holland. But it was said, that where silver and gold were circulating together, there would be variations from the value of one rising above the other. To this he answered, that there was nothing in that variation which could practically prevent their circulating together, and for proof of this he would refer to practice, which was better than a thousand theories. In France the thing was proved to be practicable. To return to the question. He would repeat, that if they rejected the present measure, they must repeal what they had already enacted respecting the small-note currency. That course he supposed they were not prepared to take; but if they were not, on what principle could it be contended, that the small-note circulation, being restricted in England, but permitted in Scotland, the Scotch bankers should be allowed the advantage of it in this country as well as their own?

Sir *H. Parnell* said, his hon. friend had himself supplied an answer to his own case, by admitting the difficulties which would be experienced by the limitation of the currency. The argument assumed was, that the Scotch notes would, if permitted to cross the border, spread over England. Now, if we were to resort to practice instead of theory, we were supplied with it by the experience of what occurred in 1797. In the inquiry with respect to Scotch banks, it was proved that no Scotch notes found their way to England; so that any supposed injury on this ground was to be left out of the question. Where notes were circulated in the counties adjoining each side of the border, the English bankers might take the notes of their Scottish neighbours, and have theirs taken in the same way; but the more distant inland bankers, who had not the same connexion with Scotland, would not be in the same situation; and therefore the apprehension of a general circulation of Scotch notes was groundless. But the case of 1797 was the best proof that there was no ground to justify the course now proposed. The truth was, that his hon. friend and the right hon. secretary, had made up their minds, that the best currency they could have was a large metallic circulation. This was the fallacy on which they went. But what was it that constituted the security of the Bank paper? Its solvency; and not the amount of the precious metals in circulation. Instead, therefore, of resting on the amount of the metallic currency, they should devise measures to ensure the solvency of the banks, and that would answer every purpose. As to what had fallen from his hon. friend (Mr. Baring) respecting a silver standard, he must own he was rather surprised at it, and still more at his reference to France. He had lately been in that country, and it was his opinion that the effect of the attempt to run the two currencies together had been, that the gold was driven out. There was an agio on gold; and persons who did not wish to receive cumbrous parcels of silver were glad to pay a certain premium for gold, which often occasioned a considerable loss. The same thing took place in all other countries where silver was made the standard. The only country where the currency was on a proper basis, was this, where a very different system was adopted. His hon. friend had said, that unless we could have large quantities of gold, we should, in certain cases, such as a demand for foreign corn, be exposed to a great panic. Now, no fact was better proved than this—that, where importation was necessary, it did not require to be paid for in the precious metals. In the period of the Austrian loan, the exports of bullion were small, and those of goods large, in proportion to the loan. Merchants would prefer sending off that commodity which left the most profit; and the profit on the export or import of gold was much smaller than that on goods. The great secret of the security of our currency was in the solvency of the bankers. Until that was provided for, it could not be said to be on any fixed or firm foundation.

Mr. *Bankes* said, he was no friend to a paper currency, for its own sake: as far as he could avoid it he would; but it was frequently necessary. That he believed to be the case in the present instance, and that was one objection to this bill. Another was, that the bill was wholly unnecessary. He was speaking of the circulation of small notes in a certain portion of England, and of their not going beyond it. This was found to be a great convenience. Why, then, should the chancellor of the Exchequer wish to disturb it? He spoke not of the advantage of the system to a few bankers, but to the whole community; but if it had been found necessary to deprive one part of the country of this benefit, he did not see why the disadvantage should be extended to another. It was said, that the notes of the Scotch banks would find their way to the south. He would admit that fact; and that was one reason why he thought the proposed measure objectionable, for he considered the circulation of the south would be too much limited, and if the Scotch notes should be received here, it would be so much the better. What cause was there for this disturbance of the currency? Were the exchanges against us, or was the gold going out of the country? No such thing. There never was a period when our currency was in a more satisfactory state. Was this, then, a time when it should be disturbed? He contended that the attempt was absurd. It might be asked, whether he would renew an unlimited circulation of one-pound notes? He answered, no: he would leave things as they were. If a man brought his one-pound note, he should get another in exchange for it from the banker by whom it was issued; but he would not increase the issues. That would be enough. If the amount of gold in the country should be sufficient to extirpate the paper, let it do so of itself, but let not the thing be done with violence. The measures adopted in 1826 were unwise, and the sudden contraction of the circulation had been productive of much mischief. As to the measure respecting the Scotch banks, the exception in their favour had not been obtained by the exertions of the forty-five Scotch members, as had been said, but by the evidence brought in support of the system. He contended, that the continuance of the present amount of one-pound notes in circulation would not be injurious to the country; and that the removal of that amount of circulation would be highly injurious. Could he have foreseen the effects which had resulted from the measures begun on this question a few years back, he never would have been a party to them.

Mr. Secretary *Peel* said, that of all the arguments which he had heard on this subject, that just delivered by his hon. friend was, without disrespect to him, the most ridiculous. He admitted, that our currency was never in a more prosperous state; and he urged that as a reason for continuing the paper currency, by a gradual departure from which he must have seen that the prosperity to which he adverted was produced. He would not increase the small-paper circulation, nor diminish it, but let it go on at its present amount *ad infinitum:* and, to whom would he give this privilege? To the issuers of the notes already out; as if they also were to be perpetual. Not to those who had prepared for the change, but to those who kept the largest amount of their notes in circulation. These, now and for ever, were to have the privilege of giving a new one-pound note to those who held their present paper. The arguments used by other hon. members might be dangerous; but this was perfectly absurd. He thought the present measure would in time produce a gold circulation within the Scottish border; and the result would be, that the bankers would have to provide gold for such of their notes as found their way into England. He looked forward to a period, when the paper system of Scotland might be made to undergo a change similar to that of England. He considered it most expedient to establish the currency of England on the secure basis of a metallic circulation, before they applied the same principle to Scotland.—An hon. member had held, that, provided banks were solvent, it mattered not what quantity of notes they issued. That position was rotten at its basis. He wished to allow banking companies to issue notes on the security of freehold property. Now, that would not be a sufficient security; for under it there might be a constant depreciation of the currency, creating a correspondent fluctuation and uncertainty in the value of property; and the only check would be a panic, which it was the tendency of an unstable banking system to produce. The very circumstance of the bankers knowing that they had sufficient security in land, or in the funds, would induce them to issue paper to an unlimited extent; but the country would no more endure the constant application of a stimulus than the human body. The time would come, when a want of confidence would arise, that would create a demand for gold; and the parties who had issued large quantities of paper, would find themselves unable to meet their engagements, although they might be perfectly solvent. In such a case, therefore, the mere fact of solvency would be of little value.—The hon. alderman had offered a proposition of rather a startling nature; namely, that no person should be allowed to carry on the business of banking unless they had received a certificate from the Board of Trade. Much was said about interfering with the free agency of commercial men; but it was a less violent act of interference to adopt a measure preventing the issue of all notes below the value of 5*l*., than to resort to the plan of the hon. member for London. The hon. member for Aberdeen said, "If you trust bankers with the power of issuing 5*l*. notes, why not allow them to issue 1*l*. notes?" It was necessary to place a limit somewhere. If bankers were allowed to issue one-pound notes, it might then be asked, why were they not permitted to issue notes for nineteen shillings, or even for five shillings or one shilling? With regard to the practicability of introducing a silver jointly with a gold standard, he did not think that question was to be disposed of so easily as some members seemed to imagine. The proposition, however, ought not to be rejected without serious consideration. He considered any measure which tended to disturb the present currency objectionable. Gold was the standard of value, and the only legal tender in large sums; silver was only a legal tender in small sums; and experience had proved, that that application of the two metals had worked well. If silver were made a legal tender in large sums, creditors must, with the present seignorage, suffer a serious loss. In conclusion, it was his opinion, that the resumption of a gold currency could be effected at the present moment, with less pressure on the country than at any future period. If, now that the paper circulation was reduced to 3,500,000*l*., in the face of all the considerations which recommended an adherence to the original resolution of the House, they should depart from that decision, he should despair of ever seeing the resumption of a gold currency in this country. If the House should exhibit any vacillation, he should make up his mind to this—that hereafter all persons might issue paper to any amount, convertible into gold legally, but not practically.

Mr. *P. Thompson* said, that if he could be persuaded to believe, that the Scotch notes would spread themselves from that country to Northampton, and from Northampton to London, he would have no objection to vote for the present measure.

But he did not believe that any such thing would take place; they circulated just over the border, but there they stopped; nor would they ever get any farther. But this measure, according to the right hon. gentleman, ought to be adopted, on the score of consistency. Now, he must confess, that he saw no consistency in having a gold circulation in one country, and a paper circulation in the other. Did not the right hon. gentleman believe what had been stated by the chancellor of the Exchequer, that there were twenty-two millions of gold in circulation in this country? If he did, then it was evident, that there was nearly the same sum at the time of the panic; and, in that case, what became of the right hon. gentleman's argument, that a gold currency would be sufficient to do away with all fears on the score of insolvency and panic? He was astonished that, with his clear mind, the right hon. gentleman should maintain such an argument as that, if one-pound notes were allowed, one-shilling notes might as well be permitted. The advantage of paper over gold was, that it was a cheaper currency; but if one-shilling notes were to be issued, this would be reversed, with the risk of fraud, and the danger of ignorant persons being misled. If the matter were looked at in this point of view, it would soon be seen at what point it would be sufficient to draw the line to which the value of paper money ought to be restricted.

Mr. *Manning* said, it was evident that the small notes now in circulation might continue in circulation for a considerable period after 1829. He thought that, having endured a great part of the inconvenience resulting from a return to a metallic currency, the House should not now undo its former labours. He had no objection to the circulation of small notes in Scotland, but as they occasionally circulated in the northern parts of England, he thought it desirable to adopt the proposition of the chancellor of the Exchequer.

Mr. *Whitmore* said, that the country had passed the period of greatest pressure, in the progress of resuming a gold currency. He believed that, unless the bill passed, much mischief would be caused in England by the circulation of Scotch notes.

Lord *Ebrington* believed, that the legislature, by requiring securities of the country bankers, would obtain all the advantages, without running the risk of any of the dangers to be apprehended from an over issue of paper.

The House divided: For going into the Committee 115; For Mr. Hume's Amendment 24: Majority 91. The House went into the committee, when several verbal amendments were agreed to.

HOUSE OF LORDS.

Tuesday, June 17.

Scotch Peerage Bill.] Lord *Belhaven*, in moving the second reading of the Scotch Peerage Bill, contended that this measure was not a contravention of any of the articles of Union. He introduced it with the consent of the great majority of the Scottish peers. His first object was to place the representative peers of Scotland on the same footing as other noble lords in that House; and next, to have them eligible, if they thought proper, to sit in the lower House of parliament, as members for counties and boroughs.

The Earl of *Mansfield* felt convinced, that the bill not only went to repeal some of the provisions of the Act of Union, but of another act connected with it. The first clause went to allow the sixteen Scottish peers next elected to sit for life. This was contrary to the Act of Union, for, by that act, a certain number of the peers were selected to represent the whole body; and though the connexion between the constituency and the elected was weak, still it was, at certain intervals, redeemable, and the electors could on such occasions testify their sense of the manner in which the trust was performed, by either rejection or re-election. Another part of the bill went to empower Scottish peers to be elected as members of the Commons. This practice was tolerated by the Act of Union with Ireland, still he could not consent to tamper with the compact made in behalf of Scotland. They should always remember, that one of the parties could never be replaced in its previous position. In the peerage question of 1719, and in the duke of Richmond's bill of 1780, the Act of Union was held to be inviolable. If they now began to alter it, where would they stop? Would they go on to avoid the other proviso, by which papists and persons suspected of popery, were excluded from being either electors or representatives. The next point related to eldest sons of peers; and he did not know how far this arrangement was stipulated for by the Act of Union He knew that in the Scottish parliament, a resolution was proposed, that peers and their eldest sons should not be eligible to represent Scottish boroughs; but it eventually settled into a resolution, that none who were not eligible at the time of the Union, should thenceforth be eligible. Complaint had been made of the return of four eldest sons at the Union, and lord Haddo and other lords were afterwards voted ineligible. Under all the circumstances, he was averse to the introduction of this bill.

The Earl of *Rosebery* said, that he had been at first adverse to this measure, but was now in favour of it. As to the argument of its being in contravention of the Act of Union, that act had been violated within a year and a half after its enactment? By the 6th and 7th of queen Anne, the mode of electing Scottish peers, as fixed by the Act of Union, had been entirely altered. In George 2nd's time the hereditary jurisdiction had been overthrown, and the law of forfeiture had undergone great alteration. There could, therefore, be no great stress laid upon the inviolability of the Act of Union. The question that followed was simply this—was the proposed alteration likely to be beneficial or not? He thought that to elect the representative peers of Scotland for life would be a great improvement on the present system. It would be more consistent with the dignity of a legislative peerage; it would elevate the character of the representative peers; and it would, therefore, confer a benefit on all who were entitled to aspire to that high honour.—With regard to that part of the bill which would enable those peers who were not representative peers to sit in the House of Commons, he was surprised to hear it represented as a degradation to the peerage of Scotland. It appeared hard that the eldest sons of Scottish peers should not sit in parliament for the counties and boroughs with which they were connected; and still harder that the eldest sons of Scotch gentlemen, created peers since the Union, should possess that privilege which was denied to the eldest sons of the old aristocracy. He was, however, of opinion, that a bill to remedy this anomaly ought to be introduced. The bill, as a substantive measure, appeared to him calculated to raise the character of the peerage of Scotland.

The Earl of *Haddington* said, he would not consent to that part of the bill allowing the eldest sons of peers of Scotland to sit in the House of Commons if he considered it an infraction of the treaty of Union; but he had doubts whether the parliament of Scotland had ever come to a final decision on the subject. True, it was proposed in that parliament, that no eldest son of a Scotch peer should be eligible to represent Scotland; but the proposition was negatived, and left for final adjustment to the imperial parliament. As to the decisions in the cases of lord Livingston, and others, the parliament of Scotland did not hold them clear. He would grant that two eldest sons of Scotch peers, who had taken their seats in that parliament among the Commons were unseated, but for this reason, that it was argued, that as the entire parliament (Peers and Commons) sat together in the same room, if the eldest sons of peers were allowed to sit among them even as commoners, the entire representation would fall into the hands of the noble families; but that argument was not applicable to the present state of things, as, since the Union, the eldest sons of peers in the House of Commons would be merged among the representatives of the general empire. The result of the discussion on the subject in the Scotch parliament was, that all who at the time held the privilege were declared entitled to it. In fact, it was a drawn battle between the parties; and hence it was not clear, that the clause of the bill enabling the eldest sons of peers to sit in the House of Commons was a violation of the articles of Union. It was really hard, that the eldest son of a peer of Scotland, subsequently created a British peer, should be eligible to sit for a county, while the son of the mere Scotch peer should be debarred from that privilege. Nor would any inconvenient increase of the influence of the peerage result from it; for though the peerage of Scotland had been numerous formerly, they were not so now. They were reduced by one half. The principal clause of the bill, however, he held to be a violation of the articles of the Union. The peers of Scotland had been held for one hundred and twenty years to be peers of the realm, and had taken their place and station as such. The effect of the bill would be to degrade them: not that he thought it a degradation for peers to sit in the House of Commons, but it was a degradation to the peers of Scotland to give them liberty to unpeer themselves, and to descend from the order to which they belonged. He was aware that men of the first blood and birth sat in the House of Commons, and that the ancestors of some of the first peers in their lordships' House had come up from the Commons; but he thought it would be an anomaly to allow a peer to divest himself of his rank. As to the injurious effect on the independence of the peerage apprehended from this bill, he did not see any injury that could arise from it, the peerage of Scotland having been so considerably reduced by the number of peers created British since the Union. There was no analogy between the case of Scotch and Irish Peers; for many of the Irish peers were members of the English House of Commons before the Union. They, of course, would not have accepted an Irish peerage, if they were to be excluded by the Irish Union from the parliament of the United Kingdom. Thus it happened, that not many of the Irish peers took advantage of the privilege given to them by the Union. The number of Scotch peers who would have a chance of being benefitted by the proposed bill was not more than forty-two; and was it worth while to violate the treaty of Union for such a small number? That treaty said, that sixteen representative peers should be elected for Scotland every general election. If, instead of that, they were henceforward to be elected for life, would not that be a violation of the treaty of Union? He wished the bill could be divided into two.

Lord *Melville* said, he should oppose the bill in all its parts, as a direct violation both of the letter and spirit of the treaty of Union. It was as competent to their lordships to make a law, declaring that the forty-five representatives of the shires and boroughs should hold their seats in the other House for life, as it was for them to carry the proposed bill into a law. Nothing short of absolute necessity could justify their lordships in departing from the treaty of Union; and no such necessity existed. A majority of the Scotch peers being favourable to the measure was not a sufficient ground for passing such a resolution: if a single peer were against it, he had a right to demand that the treaty of Union should be adhered to. The measure was against the interest of the peers of Scotland. It had been contended that not more than forty Scotch peers were capable of being elected; but, until 1782, it had been the doctrine of that House, that the king could not grant to a Scotch peer a patent of English peerage; but, in that year, the doctrine was reversed, and twenty of the Scotch peers had been created peers of Great Britain, and took their seats in that House from such creation. If only forty peers remained, it would be better for them to take their chance of obtaining hereditary peerages, than to give it up by looking for liberty to sit in the Commons. Besides, if they insisted on the articles of the Union, they might not gain much by the argument, for it was one of the articles, that when the land-tax should have risen to two millions, Scotland should be called on to contribute; yet, if the chancellor of the Exchequer should call on the Scotch peers to pay land-tax, would they not exclaim against such an impost, one hundred and twenty years after the Union? The present measure was not justified by necessity, not advantageous to the interests of the peers of Scotland, and a violation of the articles of the Union. He should therefore oppose it.

The Earl of *Lauderdale* approved of the measure, and thought it would be highly advantageous to the peers of Scotland to have their privileges, with respect to sitting in parliament, assimilated to those of the peers of Ireland. The measure was founded upon the experience drawn from the Irish Union, and from seeing how well it worked with respect to the representative peers in that House. He could inform the noble viscount, with respect to the twenty Scotch peers put into that House by patents of English peerage, that the House had come to a resolution, that they should not have the right of voting. But, in a few years, in the case of a contested election, the House violated its own order. On that occasion the articles of Union were dwelt upon by both sides as making out their case. The Union had always been kept or violated by the hand of power, as it was found convenient. With respect to the proportion of the land-tax settled by the act of Union, it had been virtually violated by the imposition of the property tax. He had wished to resist this latter imposition in the court of Exchequer, as a breach of the articles of Union; but he could not procure a single peer to join him in his resistance. He thought it right that the eldest sons of Scotch peers should sit in the House of Commons. If any persons conceived that the peers would have less interest from their eldest sons being in the lower House, they were much mistaken. With respect to the proposed measure degrading the peerage, he could not conceive that a power of selection was a power of degradation. If he thought it degrading, he would not assume the power. He had been six years in the House of Peers, and had afterwards been out of it for twelve years; and if in that period he could have come into the House of Commons, he would have resigned his chance of being a representative peer of Scotland. He had a right to sit in the Irish parliament before the Union, and had he not been so marked a man, he would have agreed to what was now called a degradation, for the sake of sitting in the Irish House of Commons. The peers of Scotland ought to come forward in a body and claim the privileges enjoyed by the peers of Ireland; and he trusted that they would not be contented, until they obtained greater advantages than they now possessed.

Lord *Redesdale* said, that the measure was directly opposed to the articles of Union. No doubt their lordships had the power to alter those articles if they thought fit; but it would be a question whether it would be right to exercise it. If the measure were to be brought forward at all, it should be in another shape.

Lord *Belhaven* said, that after what had passed, he would not take the sense of their lordships upon the measure, but should consider himself pledged to bring it forward next session.

The amendment was agreed to. The bill was consequently lost.

HOUSE OF COMMONS.

Tuesday, June 17.

Stamp Tax in India.] Sir *James Mackintosh*, in rising to present a petition from "the Inhabitants of Calcutta against the Imposition of a Stamp Tax," said, that whether he considered the place from which the petition came, or the nature of the grievances of which it complained, he felt himself borne out in stating, that the petitioners possessed peculiar claims upon the attention of the House. In the first place, it related to a grievance in regard to the raising of money upon British subjects—a matter which was an object of the highest importance. In the second place, the petitioners were a large and respectable body of individuals, whose characters stood as high as those of any other class of persons in the British dominions, and who, from their present unrepresented condition, had peculiar claims upon the attention of the House. And, in the third place, it related to, and interested all, the Indian native inhabitants, and all the unplaced and unofficial European inhabitants of Calcutta, the capital of a territory containing eighty millions of inhabitants. The object of the petition was to complain of the Stamp-duty which had been imposed, by the regulations of the government of India, within the last fourteen months. The petitioners complained of this tax, as being illegal, impolitic, and unjust. With respect to the first ground of their complaints, he would say nothing. It had been already determined, by the Superior Court of Justice at Calcutta, that it was legal; and, if the petitioners disputed that judgment, they could appeal against it to the king in Council. With respect to the other objection, it related to the particular operation of the duty. It had been stated, that they did not contribute their full proportion to the public burthens; but the petitioners denied the assertion, and offered to prove, that while the inhabitants of Bengal paid at the rate of 5*s*. per head, the inhabitants of Calcutta paid at the rate of 10*s*. per head to the general taxes. The petitioners also complained of the injustice of the tax; and they alleged, that it was peculiarly oppressive, on account of the nature of the dealings amongst the inhabitants of Calcutta. They likewise complained, that this tax was a most expensive one, and that it cost forty-five per cent in its collection. That statement should also be inquired into; and if it appeared that this particular tax was more harassing than productive, the substitution of some other less objectionable tax, merited the serious consideration of the House.—The Stamp-duty was the grievance complained of in this instance; and, though it might appear comparatively insignificant, they would find, by a reference to the history of their own country that the maintenance of a similar grievance was often attended with fatal results. He did not mean to impute blame to the authorities in India, or to the government at home; but the question was, whether the British inhabitants of India should be called upon to bear equal burthens, before they had equal privileges bestowed upon them. It was just matter of complaint, that disabilities were imposed in India upon no man but an Englishman or an European. What was the history of India? For a long time utterly neglected; at length forcing itself upon the attention of parliament; the subject suddenly taken up; debated for a few hours, in a few days, of a session; and in the end a bargain passed for the lease of this great empire for twenty years longer. In the interval, the perpetual appearance of impatience in parliament interdicting the most intrepid member in the House from bringing the subject under its consideration, until perhaps the very day before the settling day between the steward and the tenant; when, perhaps, some increase in the rent, or a new settlement, was agreed to. That was the history of the conduct of parliament towards India in the successive periods of 1773, 1783, 1794, and 1813. What could have been expected from such a system. Slow without deliberation, and sudden without vigour, when the subject came upon them, scarce a moment's time was devoted to it, and consideration, inquiry, and meditation, were left out of the question. In the two first periods which he had mentioned, too much of party and personal feeling had been mixed up with the subject, to allow parliament to come to a calm decision upon it. In 1794 and 1813, they were at the commencement and the termination of the most sanguinary war, in which this country had ever been engaged. Now, for the first time, the opportunity was approaching, when they could give to the subject due and dispassionate deliberation. But three years now remained, ere the period for that discussion would arrive, and when the House would be called upon to determine, whether the government of India should be continued as it at present stood, or whether it should be subjected to any changes or modifications—the defence of the restrictions of which the petitioners complained could only be grounded upon their necessity to the good government of India. And here he was driven to discuss the necessity of those restrictions to the good government of India. No British subject could go out to that vast British territory without a licence. It was the only part of the world from which Englishmen were excluded; with the exception of China and Japan. When a British subject arrived in India, he could not quit the capital of the province in which he resided, without a licence; and he was confined to the single spot to which he had obtained leave to go. Should he go to any other place he was liable to be seized, and carried back. Unless he had a licence, he could not leave the district in which he resided; nor could he maintain a civil action in defence of his own rights. He was incapable, too, of farming without a licence; nor could he, unless he possessed a licence, be a party to any publication. The last and most oppressive grievance of all was, that he was liable to be transported nineteen thousand miles from the seat of his fortune and his industry, and to the utter destruction of his worldly prospects. Here was a law imposing the punishment of banishment and confiscation without any previous trial; and, as a further aggravation of the grievance, no individual belonging to the vilest tribe in India, was liable to such oppressive punishment. He had a few words to say upon the interdiction imposed upon the press in India. In our West-Indian colonies, a free press was permitted to exist. Thus a freedom of discussion was confided to slaves, which was denied to the inhabitants of the East Indies. The freedom of political discussion was more necessary in India than in any other country in the world. It was the only way by which the inhabitants of that vast empire could make known their grievances. Had they a free press, it would waft their complaints "from Indies to the pole;"—it would bring this country nearer to India, and make us cognizant of every variation in the state of feeling in that country. What would the House think of a direct law, which prevented the introduction of skill and capital into this great dependency? By the law as it at present existed in India, manufacturing industry was impeded in every way. Yet the cultivation of indigo, in spite of the discouragement given to it, had added two millions annually to the wealth of this country. Here were ample grounds for investigation. The House should inquire into the system of restrictions and disabilities which he had mentioned, before it determined that the continuance of such a system was necessary for the well-being of things in India. It seemed to him that the system adopted for the government of so extended an empire was at variance with all the examples hitherto known in the history of nations and of governments. It was so contrary to the dictates of common sense and prudence, that it defied the most acute mind to comprehend it. He knew not that any investigation of the system could induce reasonable men to approve of it; but he was sure that nothing but the most rigid inquiry ought to satisfy any reasonable man in deciding on the fitness of a system which was at variance with the first principles of government. It would, he thought, be discovered, that it had arisen out of the circumstance of our having applied the maxims of factories, to the government of a great empire. It was on this ground that the East-India Company had acted. Interlopers excited the jealousy of a trading company, who feared that they might injure them in their commercial speculations, or hurt their interests with those petty tyrants before whom they trembled. But what were the three thousand persons who had, under the late relaxation, found their way to India, when placed in competition with the good government of an empire containing a population of many millions? Should he be told, that it was necessary to prevent Europeans from proceeding to India, in order that the natives might be protected from oppression? If that were said, he would ask, whether gentlemen had considered what was the situation of the great body of the Indian population? It was a country almost entirely without that middle class of people, which connected together the two extreme classes of society—the poor and the wealthy. Could any man say, that in the absence of such a class, the poor could be protected from oppression? Who was to protect the people, if any of the company's officers abused their power? There were, in India, no such guardians as a middle class—no such guardians as those persons who, embarked in trade and manufactures,—depending for success in business on peace and tranquillity,—looking to the security of personal property for the realization of future fortune; and who, being consequently deeply interested in the maintenance of order, would oppose any act that was likely to disturb it. If the natives wanted any set of men to protect them, let a body of Europeans be invited to that country to strengthen the connexion; if they wished to make India invulnerable to the attacks of a foreign enemy, they ought to take the same course; and if they wished to reduce the expense of the government in India, that object would be best attained by peopling it with such persons as he had described. Therefore, he could not see any rational ground of apprehension, in allowing Europeans to proceed to India.—Another circumstance was very conspicuous in our Indian legislation; and it showed that this country felt all those fears which were inspired by the transactions that occurred in the latter part of the American war. The year 1784, when the war terminated, and 1793, when the charter was renewed, were not far distant; and, the legislature being alarmed at what had occurred in America, gave to India an independent community, consisting of men of a purely civil character;—one of the worst anomalies that could be imagined. There was another very striking point; namely, that no person had yet proposed to make the present government of India permanent. It had hitherto been always proposed as a lease for a term of years, and he did not expect, if he lived long enough to witness the discussions on the renewal of the charter, that any man would propose to make the present system permanent in India; neither did he believe that any man would propose to have the expense of one great country defrayed by locking up the commerce of another. These were things that might be proposed as temporary expedients; but which, he was convinced, would never be introduced as parts of a settled and permanent government.—But, let the House well consider what were the dangers of governing India by temporary expedients. Such a system tended to lower India in the estimation of the British public;—it tended to repel the attention of government and of the legislature from a dependency governed by principles different from those recognized in this country.—There were three objections made to the measure of 1813—a measure which was chiefly valuable for the experience it had afforded. In the first place, it was objected that the Company's government was a good government, and therefore that no alteration was necessary. Now, he at once admitted, that a government conducted by men educated as the members of a free state, and placed under the eyes of a metropolitan government like this, must possess a very great advantage over an Asiatic government. Such a government secured life and liberty—such a government secured peace and tranquillity—such a government was friendly to religious toleration. Indeed, when he left India, every religion was encouraged excepting only the Christian religion. The missionaries were not allowed to promulgate what they conceived to be a good and true doctrine; which, in his opinion, amounted to an infringement of religious liberty. There were two great measures of government which prevented the improvement of India. The first was, heavy and excessive taxation; the second, the shutting the doors of a fair ambition against the natives. Any relaxation of the expense of government—any decrease of taxation—any departure from the system of prohibition—would be attended with beneficial effects. He thought that the refusal of the aid of cheap native officers was impolitic. Those individuals remained in the country, and were more likely to give satisfaction to the inhabitants, than individuals of different habits and manners. Something might, in his opinion, be done to place the natives in inferior offices, with a view to their gradual improvement. He believed that something had been done, in that respect, by his right hon. friend (Mr. Wynn); but, in effect, the grievance remained.—There were two other objections made in the year 1813 to the measure then proposed. They were told,—and told, by some of the most celebrated men who had been in India, that the Hindoos were a race whose wants never increased, and whose markets would never improve for the consumption of articles of British manufacture. It was likewise asserted, that the introduction of Europeans into India would disturb, if not destroy, the peace and tranquillity of the country. These were the objections stated at the bar of the House by various witnesses, and supported within the House by different members. But what was the fact? The first opinion, as to the Indian market being incapable of improvement, was belied by the most decisive evidence. During the seven last years of the monopoly of the trade of India, the average exports amounted annually to 1,200,000*l.* and the imports to 4,300,000*l.*; whereas, in the last seven years, from 1820 to the end of 1826, the average exports amounted to more than 4,000,000*l.* and the average imports to 6,800,000*l.* The House had been informed, that in consequence of the system of partial free trade introduced in 1813, three thousand persons had gone to India, and they had been originally warned, that the influx of that number of individuals would create confusion from one end of India to the other. What was the fact? Was there any instance of disturbance or confusion? None whatever. In reading the travels of Dr. Heber, the late excellent bishop of Calcutta, who had shed such a glorious light on the infant Protestant establishment in India, he found matter that led to a directly different conclusion. He had read that venerable individual's travels to different parts of India with much pleasure. Dr. Heber remarked, that English habits and feelings were making great progress all over India; and that many of the more ingenious articles of English industry were now to be found in countries where twenty years ago, the name of England was not heard or known. Dr. Heber had certainly said a few words against the indigo planters; but in that instance he seemed to rely on information which he had received, rather than to have been guided by his own experience. But he said emphatically, that more English inhabitants were desirable in India. That was Dr. Heber's unprejudiced opinion. So far, one of the objections to which he had alluded was completely contradicted by experience: the other was also contradicted, so far as the experiment which had been made would allow. There were at the time of the renewal of the charter, only two persons who dared to oppose the host of witnesses who predicted so many fatal consequences as the result of a free trade. The one was lord Grenville, to whom he only did bare justice when he said, that he combined the most comprehensive principles with the most minute and accurate knowledge,—a nobleman whose understanding was instructed and disciplined, without being narrowed or contracted, by the proceedings of former times,—a nobleman to whom the maxim of the ancient sage might well be applied, that he continued to learn as he grew old. With respect to the other individual, no tribute need to be paid to him beyond the mention of his name. He alluded to Mr. Rickards, who had been long in India, but who strongly advocated the principles of free trade. With that manliness and integrity, which belonged to his character, he predicted that the alarms which were spread abroad at the time would be found to be wholly groundless; and that prediction had been verified to the letter. The names of lord Grenville and Mr. Rickards stood alone—the principle which they maintained was adopted; but in a narrow and confined manner.—Now, the only question to which he entreated the attention of the House was this—whether it was not fit to begin, even now, to inquire into this subject,—to begin early, in order that they might proceed slowly,—to begin betimes, in order that they should no more make India a disgraceful prize in a scuffle between contending factions. He thought that if the House took up this petition, and a committee were appointed to inquire into the situation of the English population of India, the subject lay in so narrow a compass, that its consideration would not occupy much time. If they even found it impossible to do any thing in the matter at present, still their having noticed the subject, would be a pledge, that parliament intended to sift this question, in all its views and bearings. Besides, the committee might be usefully employed in drawing up an outline of inquiry, for a future and more extensive examination. He would move, "That this petition be referred to a Select Committee."

Mr. *Wynn* said, he could not help doubting whether his right hon. friend, if a select committee were appointed, would be able, in the slightest degree, to obtain the objects enumerated in his speech. The petition simply pointed out the objections which the petitioners entertained, with respect to the stamp regulations of Calcutta; and it called on the House to pass a declaratory act, denying the right of the government of India to frame such a regulation. That being the scope of the petition, he doubted whether a committee appointed to consider its prayer, could inquire into the various objects mentioned by his right hon. friend. He admitted, however, that the subjects introduced by his right hon. friend were well worthy the attentive consideration of the House; and he trusted that, at a proper time, due attention would be paid to them. He now wished to call the attention of the House to a particular point, which his right hon. friend seemed to think of no importance whatever. Now, he contended that, by a clause of the 53rd of George 3rd, the government had a right to impose this tax. The Supreme Court had decided, that the regulation was perfectly legal; and he was informed by his hon. friend, who was, when the act was drawn up, Secretary to the Board of Control, that this particular clause was introduced for the purpose of sanctioning duties of this very kind. The act was to be explained by its words; and, looking at them fairly, as well as considering the acknowledgment of his hon. friend, he thought that the construction which had been put upon those words in India was right. This tax was certainly less detrimental than many others; and, he must observe, that the East-India government had said, that from the pressure of the late wars upon their resources, they were unable to spare any portion of their revenue, and that, consequently, they were unable to remove this tax. He could not conceive on what principle it was said, that it was unjust that the inhabitants of Calcutta should be called upon to pay any portion of this tax, when it was recollected, that they went out well knowing that they were subject to the provisions of this act. But he would go into a more general consideration of the question. Most certainly he did not concur in the act of the 53rd of the late king. On the contrary, he was one of the few who were anxious that it should be limited to a shorter time, in order that a less remote opportunity might be given to the parliament of taking the state of India under their consideration, and of turning their attention to that most important topic, how extensive, or in how limited a degree, the trade of India should be thrown open. He heartily wished that the House had concurred with this view; but it had not: it had granted these powers to the East-India Company for twenty-one years, by an act which would not expire till 1834. Until that time, therefore, they were precluded from legislating on this subject.—What his right hon. friend had touched upon was, the absence of power of transmission to India, without previous application and licence; but this was one of the provisions of the act, which they could not fairly touch, until the charter had expired. It was one of the conditions on which the East India Company had made the bargain which existed between them and the public. At the same time, however, he could state, that since this act had passed, these permissions had become gradually extended. In 1825, the number of applications of persons wishing to go to India was nine hundred and forty-three. Of this number, the directors had complied with seven hundred and forty-three. Forty-one cases had come before the Board of Control, in which applications which had been refused by the directors were granted. There remained, therefore, one hundred and fifty-nine to whom permission had been refused. Now, great part of those who had experienced refusals had met with them because they were unable to show that they had any reasonable chance of obtaining a livelihood when they reached India, and who might, consequently, put the Company to the expense of supporting them. In many cases, too, it was wished to carry out European servants, and persons who were intended as clerks in mercantile houses. The principle on which many such applications were refused was this—that those situations were occupied by half castes, whom a system of policy, which he must call an unjust and mistaken one, had for a long time subjected to rigorous exclusions. From this fact, he thought it hard, that the Europeans should infringe this employment also, and establish a monopoly of this means of gaining an honest livelihood. Latterly, however, these restrictions had been departed from, and permission had been granted, on the application of any respectable house. In every instance in which it could be shown that there was a power of furnishing employment, licences had been given. But this was not all. Persons had gone out there in merchant vessels, who had not wished to return; and he might say, that there were full as many residing in India under the permission of the local government, as had gone from England under licences from the Directors and from the Board of Control. Such was the course which had been pursued.—He hoped there would be a much more extensive communication between Europeans and India; but he regretted to say, there must be a continuance of the same strict regulations. He held it absolutely necessary that the inhabitants of India should be protected. India must not be held solely as a means of wealth to England. They had a higher duty to perform, in providing for the security and happiness of the inhabitants. He wished that he could agree with his right hon. friend in what had fallen from him on the subject of the intercourse between the inhabitants of India and the Europeans. He was sorry to say, if he looked back to all history—if he investigated the character and conduct of his own countrymen—that he was obliged to come to this conclusion, that the more free the government was at home, the more persons who had been used to such a government held others who had not the happiness of enjoying the same privileges in contempt—the more they abused their feelings, and despised a condition which they ought rather to commiserate. Though this might not be a commonly-received doctrine, yet certainly he held it. He believed that if India were subject to persons who had been under a despotic government at home, they would be treated much better than by those who had enjoyed the blessings of a free government. In the minds of the latter, the condition of the people of India would be sure to generate contempt. Look at Sparta. Was there ever a more free government? Were there ever more severe masters than the Spartans? Look at Rome, and they would find the same thing to have been the case there. He perfectly concurred with his right hon. friend, that it was wise to blend the conquered and the conquerors; but the system which had been hitherto pursued would render the course pointed out by his right hon. friend extremely unsafe, until years of experience and preparation had undone the mischiefs that had already been effected. There existed strong prejudices—prejudices of colour, of religion, and of habits. He did not mean to argue, that habits of whatever kind must last for ever. Habits were the offspring of civilization and legislation; but what his right hon. friend wished to do must be effected gradually? It could not be done precipitately.—His right hon. friend had stated two great inconveniences which prevailed in India. The one was great taxation; the other, shutting the door to ambition. His right hon. friend appeared to think, that much might be done by employing a cheaper description of officers; but this he should be sorry to do; for, habituated as these persons had been for centuries to habits of corruption, he was convinced that the experiment would be dangerous. Much, however, might be done by the admission of natives, and thereby offering objects for their ambition. He differed altogether from those who thought that they could never hope for impartial justice at the hands of the natives of India. It ought to be recollected, that no temptations to honest ambition and to the exercise of just impartiality had ever been held out to the natives. He hoped that the remissions in those restrictions and exclusions upon the native inhabitants of India, which had taken place within the last few years, would become more extensive; that the natives would receive employment in a greater degree; and that they would at length arrive at situations of trust and emolument. He believed that much had been effected by the government of sir T. Monro, and that other presidencies also had not been without improvements. He was certain, too, that there was no object nearer the heart of his noble friend who had lately been invested with the government of India, than the amelioration of the condition of the natives of India. He must submit to his right hon. friend if it be possible, on so limited a question as this of stamp regulations, to ingraft the general extensive question, of what restrictions were advisable on the commercial and other intercourse between this country and India. He had no wish that there should be any unnecessary postponement; but, by commencing the inquiry now, would they not be likely to fatigue the attention of the House and of the country, and thereby to injure the question? His idea was this—the charter would expire in 1834; and the year 1830 suggested itself to him as the time at which the inquiry should be instituted. This would give three years for inquiry and legislation, and one year for carrying into effect whatever regulations the parliament might think proper to impose. He could not agree, that any inquiry into the subject of this petition was necessary. If it were illegal, the petitioners might appeal to the Privy Council; where the highest legal authorities of the land would decide what the real construction of the act was. As to the policy of the measure, he thought the duty by no means unfair. It was a duty on commercial stamps imposed upon a rich society of merchants, and he knew of no fairer object of taxation.

Mr. *Hume* said, he would make a few observations upon the concluding part of the right hon. gentleman's speech. The right hon. gentleman said, he thought the period too early for inquiry; but, if evidence was to be the rule on which that House was to proceed, the inquiry ought to be instituted at a time which would give opportunities of communication with India, and afterwards of candidly and dispassionately discussing that evidence. As to the argument which the right hon. gentleman had founded on equality, he surely could not have forgotten how different the rights of Englishmen were who lived beyond the ditch of Calcutta. However, he was free to confess that he did not think the legality of the tax worth talking about. He took the condition of the Indian community to be so important, that all technicalities ought to be waved when they came to investigate the complaints of that community. It had been said, that this was a narrow petition; but did it not complain that they were debarred from meeting together to petition against taxes, which they had no representatives to object to for them? Calcutta might be looked upon as the centre of a population of seventy or eighty millions. Its population was greater than that of Paris, and almost as great as that of London. Ought not the complaints of such an extensive community of natives and Europeans to be listened to with attention? The refusal of the government at Calcutta to allow the petitioners to assemble for the purpose of applying to that House, was the greatest instance of oppression he ever heard of. They did, however, meet in defiance of the threats which had been held out. All that the inhabitants of Calcutta asked was, not to be taxed without having an opportunity of being heard. The people of England had at least the semblance of this privilege, and why were not those of her colonies to be held entitled to it? In 1813, on the renewal of the Company's charter, one distinct provision had been, that the people of Calcutta should not be taxed unless with the approbation of the Board of Control and Board of Directors. If that provision had any meaning at all, it meant that the people of Calcutta should not have taxes imposed upon them without the right of appeal: and, on the part of the people of Calcutta, he claimed its fulfilment. The system pursued in India was a wrong one:—wrong, both as regarded ourselves at home, and the people abroad whom we governed. He happened to have in his possession a curious document, which contained the opinions expressed by our great enemy Buonaparte, upon the subject of colonial government. The words had been used by the emperor, in the course of a discussion upon French colonial affairs; and their tenor was as follows:—"With respect to foreign colonies, it is fit to govern them with energy; but there can be no energy where there is not justice. To this end it is necessary that the government at home should be informed of every thing that passes, and hear the statements of all parties aggrieved or concerned; for it is not sufficient merely to do that which is right; men must know that their claims are heard and their interests attended to; and this cannot be the case unless they feel that they have the power of making themselves heard. If the councils of a state were composed of angels or gods, who had the power of intuitively comprehending and deciding all questions rightly, it would signify nothing, unless the colonists were assured that their own statements and representations were heard and taken into consideration." He wished that the late right hon. Secretary for the Colonies had been still in his place, and in a condition to carry those golden principles into execution. But, what was the system now acted upon? It proceeded upon the very reverse of them, in all its bearings. The press was stifled; every means of communication were checked; and upon every question that arose in India, the rulers obstinately rejected all information, but that which reached them through their own official channels. The people of this country were no less interested than those of India in a reform of this state of affairs; and he fully agreed that it was not an hour too early to come even now to a consideration of the East-India Company's charter.

Lord *Ashley* said, that no man could be more alive than he was to the propriety of doing every thing for our fellow-subjects in India which could be done for the people of this country, but complaints had been brought forward on the other side, which were void of reasonable foundation. It was difficult to make taxation palatable; and to the stamp duty considerable dislike appeared to be entertained. But many circumstances had been dwelt upon as grievances, which, in point of fact, could not be considered as taxes at all. For instance, lotteries could not be called a direct tax. But all that was gained by them the government laid out in cleansing and beautifying the city of Calcutta. The portage and harbourage dues also did not defray the expenses attendant upon the maintenance of the ports and harbours. Again, canal-tolls could not properly be considered as levies amounting to taxation; but the fact was, that these tolls did not pay the expense of keeping the canals in repair. It was said, that the tax thus levied was a poor pitiful tax, not producing more than 100,000*l.* per annum. Now, the less the contribution by these individuals, the less reason had they to complain; especially when it was recollected how extremely wealthy this capital of central India was. Yet, as it was said that the debt, contracted by reason of the Burmese war, was in amount 340,000*l.*, the contribution of the inhabitants of Calcutta, forming nearly one third of that debt, could not be considered unimportant. It was argued by the people of Calcutta, that they enjoyed nothing in right of their contribution in this instance. What! was it nothing that they were protected in peace and quietness, and in the enjoyment of unrestricted commerce with the natives and the other presidencies throughout that vast country? Such was the wealth that the parties now complaining had acquired under the present system, that about three years ago, six opulent mercantile houses united together, and invested not less than six millions of rupees in a speculation, connected with the Burmese war, from which they derived proportionate profits. To prove that what had been alleged as to the scale of duties being unfair, he would remind the House, that there was scarcely any duties imposed on imports higher than 5*l.* per cent, whilst in this country they were frequently from 15*l.* to 33*l.* per cent. The article of spirits, on which a considerable profit accrued, was charged moderately; and even French brandy, on which here we paid 19*s.* per gallon, was subject only to a duty of 6*d.* Upon the whole, he would contend, that the people of Calcutta enjoyed under their present form of government such peace and protection, and so many inestimable advantages, that they had no reason to complain; and, as far as respected taxation, he saw so little reason to think that they ought not to be put on a footing with the natives, that he felt the right hon. gentleman had made out no case whatever.

Mr. *Trant* said, he had long been resident amongst the British merchants in Calcutta, and was satisfied that no class of men possessed greater advantages, or had less to complain of, than those persons who were so loud in their complaints. With respect to the inconveniences, also, felt by others residing in the presidencies at a distance, the hon. member for Montrose had been misinformed. He had reason to believe that there was not an indigo planter, who was not possessed, in his own right, of land. They had heard allusions made to the supposed apprehension entertained by the directors, of the consequences of colonization. No such dread was entertained. Persons who were so disposed, and had capital, were allowed to go out with their families. The fact was, that India was fast becoming a colony.

Mr. *Astell* said, that this was the case of petitioners who were merchants of Calcutta, complaining of certain duties imposed upon stamps, which they denounced as illegal and impolitic. As to the impolicy of those duties, he would remind the House, that the governor and council had actually, of late years, remitted several duties and taxes. The happiness of the people of Calcutta had gone hand in hand with their commercial wealth and prosperity. The complaints put forth by those who styled themselves the advocates of India, were extremely ill-founded. He contended for the legality of the impost which had been petitioned against, and vindicated generally the government of the East-India Company. There was no real impediment, he observed, to British settlers going out to India; for none able and willing to be of use there were refused the facilities of going out. The hon. member then proceeded to notice the demand for a free press, which he strenuously combatted, and concluded by expressing his determination to resist the motion before the House.

Mr. *Brougham* said, that rather than that nothing should be done, in consequence of the representations contained in the present petition, he would consent to the referring the whole matter to a committee; for if that reference were attended with no other good effect, it would at least let in light upon the affairs of India. It was therefore that he would, if his right hon. friend pressed the question to a division, certainly vote with him; at the same time, he fully agreed with those who thought that that was not the most convenient period of the session to enter upon questions of such magnitude. He differed altogether with those who thought that the legislature ought to postpone to an indefinite period the consideration of that most important question which arose out of the circumstances of the new settlers in India—their trade, laws, and general polity. At what particular time that inquiry should be commenced, he was not prepared to say; but the earliest time was unquestionably the best. Possibly the next session, or the one immediately after that, might be the most remote period to which such an inquiry could be postponed. That would bring them not far from the year 1833—a period likely to prove of the highest moment to the interests and happiness of the inhabitants of British India. As to the immediate question before the House, he did not feel disposed to deliver any opinion upon the legality of the impost of which the petitioners complained. If the authorities in India had acted illegally, the parties aggrieved had their remedy in a Court of Law. If the case were in some degree doubtful, a remedy by means of Courts of Law, was still within the reach of the suffering parties; and, finally, by means of the Courts of Appeal in this country, with a view to the settlement of the question. It was only in case it appeared to be so doubtful, that the Courts of Law could not decide it, that parliament should be moved to pass a declaratory act, for the purpose of putting an end to all uncertainty. The late President of the Board of Control had called the attention of the House to what he conceived to have been the intention of the legislature in passing the act under which these Stamp duties had been levied. If it were the intention of the framers of that act to authorise the several presidencies to impose taxes of that nature, an instance never came under his observation of a more unsuccessful attempt to convey in language the views or intentions of any legislative body. He would not say that the Court of Calcutta had come to an erroneous decision, but he did hope that, in the event of any future legislation upon that subject, an attempt would be made to adopt language more clearly expressive of the intention of the legislature. The question which his right hon. friend had brought under the consideration of the House was nothing less than whether half a million of the inhabitants of India had or had not great reason to complain, and whether or not parliament would turn a deaf ear to their representations. He could not but express the satisfaction conveyed to his mind by the course which the present discussion had taken: and he looked with hope to the results of those deliberations which he anticipated when the House should grapple with that extensive subject. He did not conceive that a free press would be a *panacea* for the evils which afflicted India; but he did conceive that a free press existing in connexion with the privilege of public meetings and a free exercise of the right of petitioning, would tend greatly to alleviate no inconsiderable portion of those evils. It was extremely gratifying, in the present discussion, to observe that there were no extravagant prejudices to combat. It was gratifying likewise to observe the prevalence of those liberal and enlightened opinions, which left no apprehensions of danger, whenever the question came in a more ample form before the House. It was upon that account, that he thought there would be no risk in leaving the matter in the hands of his majesty's government until the ensuing session. At the same time, if his right hon. friend was determined to press the question to a division, he would not refuse his vote.

Mr. *Courtenay* could not positively speak as to what he might have said sixteen years before, but he conscientiously believed that it was intended by the clause in question to give to the presidencies the power of taxation to as great an extent as possible, subject to the control of the directors. The right hon. gentleman had said, that not only the directors, but the government, had led them to believe, that an open trade was to be established with India. He could take on himself to say, having then filled the situation he had lately held, that this was not the opinion of either the directors or the government. It was not the opinion of lord Buckingham or Mr. Sullivan, or any of the members of the Board of Control: it was not the opinion of the humble individual who was then addressing them, nor was it the tendency of any advice he had ever given; and he might say, it would not be the tendency of any advice he might give in future, though the measures he should recommend, and hope to see carried into execution, would be to give liberal facilities to trade.

Mr. *Robert Grant* said, that of the policy of this tax, and of its justice he meant to say nothing. He had never read a petition more distinct in its objects, more clear in its premises, and more decisive in its prayer. The premises were, that this tax, and all this class of taxes were not legally imposed, and that the local government had no power to impose them. On these grounds, the petitioners prayed, that the House would pass a declaratory law, stating, that to impose them was illegal. This was the substance of the petition which his right hon. friend proposed to refer to a select committee; but, if the petitioners were right in their premises, this was not granting, but evading the prayer of their petition. He would say further, that if it were as clearly illegal to impose these taxes as the petitioners stated, there was no occasion to pass a declaratory law. If it were legal to impose this, or even if the legality were doubtful, it was not customary to refer questions of doubtful law to the decision of a committee. If, however, the tax was strictly legal, as in his opinion it was, there was no pretence for granting the prayer of the petition; and still less was there any ground for founding on that prayer any subsequent measure.

Sir *J. Mackintosh* said, he was sure that every member had listened with satisfaction to the speech of the noble lord, who had, he believed, for the first time, at any considerable length, addressed the House. That noble lord had evinced a knowledge of his subject that did him the greatest honour; and he had also evinced an extent of information which might prove highly serviceable to his country. He hailed the expression of liberal sentiments which had that night been elicited, as an auspicious commencement of a series of discussions which, he trusted, would terminate in the adoption of a wise and beneficial system of government in India, in the hope that measures of relief, of wisdom, of sound policy, would not be hereafter resisted, he consented to withdraw his motion, and would content himself for the present with intimating an intention of bringing the situation of India before parliament in the course of next session.

The petition was ordered to be printed.

British Shipping Interest.] General *Gascoyne* wished to call the attention of the House to what the real nature of his motion was; because it had been much misunderstood, both in that House and out of it. With that view he must begin to state what the nature of it was not. It was not a general inquiry into the state of trade; nor did he mean to argue it as a commercial, but as an abstract naval question. He should do so, not because he thought that those whose cause he had advocated last year were less deserving of relief, but because, having failed last year, he would not presume to bring forward the same question so soon after he had been defeated. He was confident that the distress of those interests which he had then advocated was as great now as then; and that if there was any difference, it was that their distress was greater than before. The principal argument against him was, that there had been a redundancy of shipping which led to great speculation, and that speculation to great distress. Now, if he could prove that such redundancy did not exist, the inferences drawn from that redundancy must be abandoned.—He would now treat the subject as an abstract naval question, abstaining as much as possible from the commercial question. The first consideration that presented itself was, whether the shipping of this country had or had not decreased. In all former periods, the employment of ships and shipping had increased after war. Looking back to the period of 1763, he found there was no instance in that, or in any of the intermediate wars, up to the period of the last war, in which, taking an average of five years, the shipping had not annually increased after the war. But that had unfortunately ceased to be the case after the late war. He would prove, on the contrary, that the employment of shipping and men had annually diminished. In the year ending the 5th January, 1817, the returns were—

	Ships and Shipping.	Tonnage.	Seamen.
1817	25,864	2,078,400	178,000
1822	23,199	2,050,944	166,333

During that time there had been a considerable increase in the imports and exports to the amount of 8,000,000*l.* or 9,000,000*l.*—What he next wished to impress upon the attention of the House was, a comparison of the last two years, taking in the whole of the British empire, including the colonies. In the year ending 5th January, 1827, the returns were—

	Ships and Shipping.	Tonnage.	Seamen.
1827	24,625	2,635,000	167,636
1828	23,195	2,460,500	151,415

That statement referred to the whole of the British empire; when that which formed the basis of her naval establishment was diminished, in the reverse proportion to the increase of her trade. It had been said on a former occasion, that if the interests of commerce and navigation should happen to clash, there was no doubt but that the preference should be given to navigation, as it was upon that that our existence as a naval power and the retention of our colonies must depend. He would next call the attention of the House to the statement in the returns, as it affected the united kingdom of Great Britain and Ireland, not including the colonies. This statement was as follows:—

	Ships and Shipping.	Seamen.
1826	20,409	149,894
1827	19,035	130,494

It appeared from the above statement, that there was in the last of these years a diminution of one thousand four hundred and thirty-four ships, and nineteen thousand four hundred seamen. He should be told to look at the note under that statement, which stated that many of the vessels that remained on the list had long ceased to be in existence; but, when the ship was broken up, did they throw the men overboard? The argument of 1827 was, that the great quantity of shipping had led to speculation; but it was now stated as a fact, that the number of ships was not so great as had been relied on in that argument. But he would ask why, if the number of ships had increased, was the number of men diminished? They had always multiplied at the rate of six men to one hundred tons, and they still took their statement on the old criterion; but, he would maintain, that there were not five men to one hundred tons, and that, upon the whole estimate, there was a decrease of upwards of forty thousand men. He would show that now there was not in general more than four men to one hundred tons, and never more than five. The statements, therefore, upon which government had gone must be incorrect. The error of the statement would appear distinctly on referring to the Sixpenny Duty Office. Every seaman employed, whether an apprentice or not, was obliged to pay 6*d.* a month towards the support of Greenwich hospital. Upon the arrival of any vessel in port, the captain was obliged to deliver upon oath a list of the crew, specifying the length of time that each had served. He knew of no better criterion than this. It appeared from the Sixpenny Duty Office, that they had only collected from a hundred and fifteen thousand, two hundred and seventy-four men. The calculation was, that every seaman on an average was employed eight months in the year, and paid 4s. duty; but it appeared from the return, that there was a reduction of 1,100*l.* or 1,200*l.* in the last year as compared with the former. Looking at all the accounts, it would be found that there was a diminution of from thirty thousand to forty thousand seamen since the war. It was a matter worthy of serious consideration, that while our shipping trade to the East Indies, and the trade of the colonies was increasing, our British shipping trade was rapidly declining. In 1816, just after the war, America had only ninety-one thousand tons of shipping engaged in her intercourse with this country. In 1826, it had increased to a hundred and eighty-five thousand tons. In 1816, our shipping engaged in the American trade amounted to forty-five thousand tons. In 1826, it was reduced to thirty-seven thousand tons; while, in the same time, the shipping of America had more than doubled. This was an important fact, and deserved serious attention; for there was little doubt, that if there should be a general war, America would be pitted against us. If they looked to the difference in the number of men employed, it would be found that there had been an increase in the number of seamen employed by America of sixteen thousand two hundred, while there had been a diminution in those employed in the shipping trade of the united kingdom of sixteen thousand four hundred. Thus, whatever was the state of the trade with the colonies and foreign countries, he found a most alarming diminution in the number of men in the shipping trade in the united kingdom; and, whatever might be said, it was a fact, that that which was the basis of our naval power was gradually diminishing. It was a fact which could not be denied, that considerable numbers of our men were employed in the shipping of America. He thought it was not too much to state them at twenty thousand. The reason of this preference among our men for the American service was, that the Americans gave much better wages. In fact, the losses sustained in the carrying trade by some of our ship-owners were such, that they were obliged to diminish the wages to the lowest possible scale. He would conclude with moving, "That it appears by the Navigation Statements contained in the annual Finance Accounts of the present year, now before this House, that there were registered for the British empire,

	Ships or vesesls.	Tonnage.	Seamen.
1826	24,625	2,635,644	167,636
1827	23,195	2,460,500	151,415
being a diminution of	1,430	175,144	16,221

"Also it appears, in the same account, that the ships registered for the United Kingdom in the year

	Ships or vessels.	Tonnage.	Seamen.
1826	20,469	2,381,069	149,894
1827	19,035	2,150,464	130,494

being a diminution in the trade or employment of shipping registered, of 1,434 ships, 221,464 tonnage, and 19,400 seamen.

"That this House cannot view this diminution without concern, and will next session inquire into the causes thereof."

Mr. *Courtenay* said, that if he did not follow the hon. general into detail in the statement which he had delivered to the House, it was not from any disrespect to him, or because he undervalued the importance of the subject; but because he considered the present period was too late in the session to enter upon the subject with the hope of any practical result. It was the intention of his right hon. colleague and himself to go into a full consideration of the subject during the recess. It was impossible that either he or his right hon. colleague could have sat so long in the House, and voted so often on these matters, without having formed an opinion upon them; but as members were sometimes impressed with opinions formed by party connexions, it was the intention of himself and his right hon. friend, the President of the Board of Trade, to take a review of, and to make up their minds on, the whole system of our trade and navigation, as if they had never before given an opinion upon them, and as if their minds were, as respected them, a sheet of blank paper. If he were to enter into any controversy on the question at present, it would, he conceived, interfere with that dispassionate view of the subject which it was their intention to take; and, therefore, instead of going now into a discussion, he would move the previous question. If the hon. general had made out a case, showing that the decay of our commercial marine was likely to have an immediate and injurious effect on the service of the royal navy, the House would be bound to act, but he had made out no such case. The course which he took of pledging the House to the consideration of the subject next year was one which could answer no practical effect.

Mr. *Robinson* said, that the right hon. gentleman, the Vice-president of the Board of Trade, had objected to the motion of the gallant general, that it offered no practical plan to the House. This, he conceived, was no answer to the motion. He contended, that the House was bound to entertain it. After the treatment which the shipowners had received last year, it was too much to say, that there was now no ground whatever for receiving the motion before them. But the right hon. gentleman had told them, that he and his colleague would give the subject their best attention during the recess, and would inquire whether the statement made was founded on fact. He was glad to hear this, as far as it went; but it should be recollected, that these were the assertions of men in office, who might not be in office next year. He appealed to the experience of the mutations in the government for the last eighteen months, whether much reliance could be placed on the declaration of a minister in one session, that he would take a certain course in the next. He would not go into any lengthened detail, but there were a few remarks which he felt it necessary to make. Instead of looking at the number of vessels employed, a better criterion of the state of our trade would be, to see what was the situation of the building trade, and whether the number of vessels built was on the increase or decline—whether steps were taken to supply the places of those which were going to decay. The ships already built were obliged to be used, at a profit or otherwise, to prevent their rotting in docks; but men did not build new ships, unless a prospect of employment was held out. Now, what was the state of ship-building in the last three years? In 1826, the number was one thousand five hundred and thirty-nine; in 1827, one thonsand seven hundred and ninety; and in 1828, one thousand two hundred and eighty-five. It also appeared that in 1825, the total number of vessels registered in Great Britain, exclusive of Ireland, was twenty-two thousand seven hundred and eighty-three; in 1826, it was twenty-six thousand two hundred and thirty-four; and in 1827, the number amounted to twenty-one thousand, seven hundred and ninety--nine. Here was an apparent diminution; and in Ireland, there was likewise a considerable falling off, during the last year. In reference to the present subject, he might advert to what had been said upon the corn question, with respect to a protection; as the same principle was, in his opinion, applicable to either. They had inquired at what price the corn-growers would be able to produce their corn. Now, he would never admit, that one class of the community was entitled to a protection which would be denied to another. In such an inquiry they ought particularly to guard against being led away by looking to the number of vessels employed, while the number that had been built was not taken into their calculation. Those who had a property in the vessels employed were losing money every day. This question had been last year brought before the House under very disadvantageous circumstances; as it was imprudently mixed up with political considerations. Certain misguided friends of the measure had thought proper to throw out insinuations against a right hon. gentleman (Mr. Huskisson), which the ship-owners were far from imputing to him. The very utmost that the respectable portion of that body had ever attributed to the right hon. member, was a mistake of judgment. Thus far doing him justice, he would tell the House not to suffer themselves to be carried away by his eloquence, when he sought to prevail on them to refuse a consideration to such a subject. Government were prone to turn a willing ear to applications from other quarters, although they did not show the same favour in this instance. During the present session they had pronounced, that there was no ground for inquiry respecting the wool trade, and yet they had granted one. This they did, hoping to satisfy the landed interest, but the landed interest would never be satisfied. If the resolution should not be acceded to now, he trusted they would, next session, appoint a committee of inquiry. He must ever deprecate the bad policy of the reciprocity system. While the country was guided by this principle, the great states on the continent, and on the other side of the Atlantic, were pursuing a system of exclusion towards ourselves. Such was the ambition of America to gain a maritime ascendancy, that it was rare to see a British flag in the ports of the United States, how common soever their vessels now were in the harbours of Great Britain. In saying this, he was not actuated by any feeling of jealousy with respect to that country; but he thought we ought to have a paramount regard for the interests of our own. During the last discussion, he had heard much from the hon. member for Dover, that excited his surprise; but there was only a single assertion to which he was now inclined to advert. It had been said, that a vessel for British service could be built as cheaply in England as it could be abroad. This he distinctly denied; for a more unfounded allegation was never made within those walls. He had lately seen a letter mentioning, that an oak-built vessel had been launched at the port of Dantzic, which only cost at the rate of 3*l.* per ton. The northern-built vessels were got up at one-third less than the expense of ours. In such a competition, this country, to use a familiar expression, must go to the wall. There was another singular anomaly in the system. Although it put a prohibition on the employment of foreign seamen in navigating our vessels, it at the same time admitted foreign vessels to compete with us at home. The ill effects of this policy, they would find it very difficult to repair. Was it not evident, that foreign ships coming into our ports must, *pro tanto*, displace so much of the British shipping interest, and consequently injure so much British capital? It was neither ingenuous nor just to lay hold of the Scarborough petition, which happened to be erroneous in its details, and of a few other statements a little exaggerated, as specimens of the representations made by the body in general from whence they came. The motion was not intended to mislead the House, but to lead to a fair and candid inquiry into a question in which a vast amount of property was involved.

Mr. *C. Grant* remarked, that this was the first time he had ever heard a regular speech in reply to a Debate that had taken place twelve months ago. It had also afforded him some surprise to hear from the right hon. gentleman, that it was the intention of government to establish a full examination into the question during the recess; but whatever satisfaction this might give to the gallant mover of the proposition, he felt convinced that the government would not consent to any alteration. The present policy was certainly united with the name of his right hon. friend (Mr. Huskisson); but he could not admit, that it remained for government to pursue an opposite course, when he recollected that all his right hon. friend's operations had taken place under the sanction of almost all the present members of the cabinet; nor had any policy ever been more examined into, discussed, and sanctioned by that House; and therefore, though he was glad that the right hon. gentleman, and those other gentlemen, whose innocent minds were blank sheets of paper; though he was happy that these simple-hearted persons intended to examine the subject, in order that they might have a great field for consideration through the summer, he could not but feel sure, that the examination would end in a confirmation of the principles of his right hon. friend. Thinking, therefore, as he did, that this policy had already received the sanction of the government, and of the House, he did not feel that he was now called upon to enter into the general principles of the question; and, indeed, he should be doing an injustice to that policy, were he, on the present occasion, to enter into a discussion on those principles. He should, therefore, confine himself to the question now before the House; and he would confess that it appeared to him, from the shape of the present motion, that it was a renewal of those efforts which had so often been made to persuade the House, that his right hon. friend had failed in his project; and he must confess, that, notwithstanding this was the evening of wonders, he had never heard a more extraordinary proposition. He, for one, was at a loss to conceive how that House had been wanting in deference to the shipowners; for, although the House had not adopted what the shipowners happened to think the most expedient, he did not see that that was any reason for saying, that they had not been treated with a proper deference, or that they were crumbling into dust, to the entire overthrow of the British navy. Nor was it the least extraordinary part of the matter, that, although all this mischief was existing, the hon. gentleman, who spoke last, was quite content to wait till the next session of parliament before any thing was done; though, to be sure, it was perfectly consistent with a speech that was such a triumphant answer to what had taken place last year. But what, after all, was the case that had been made out by the gallant general? It appeared from the accounts on the table, that the number of the registered vessels was diminished; and, according to the right hon. gentleman, this was to be a subject of inquiry in the cabinet; but if the gallant general would only take the trouble to look to the foot of that account, he would find the explanation he wished to have. Supposing, after all, that this committee was granted, what would it have to report next session, even though the gallant general himself should bring it in? It would be, "this committee does report that, according to the Registry Act, requiring the ships to be entered *de novo*, there has been a visible diminution in the amount of tonnage." But though this might be apparent, he denied that it was by any means certain that there was a real decrease; and, besides, it was perfectly consistent, that there should be an apparent decrease, while the fact might be that there was a real increase. The question then was, whether, having last year considered the subject, and having decided that it was not a fit one for the appointment of the committee, there was any thing new in the state of the question to justify such a measure? He thought that there certainly was not. He thought that they were very far from having any just ground of alarm for the state of British navigation or the maritime interest. But before he adverted to some of the conclusions which had been arrived at by the hon. gentleman, he would allude to the reason why there might be an apparent diminution in the quantity of shipping, without its involving any real diminution. The Registry Act of the 26th Geo. 3rd was that under which British ships were registered. By the 6th of Geo. 4th, it was enacted, that no register was of any avail, unless it was made either under the 4th or the 6th of Geo. 4th. There was no danger of any censure attaching to the department to which this registering belonged, because he knew that the office was discharged in a most efficient manner; but, at the same time, it was well known, that no Registry Act could meet all the fluctuations of the maritime commerce of this great country; this registry, therefore, was not to be depended on, except so far as it applied to the same men that had been entered. But, if there could be no censure attached to the department itself, neither could there, in his opinion, be any attached to his right hon. friend. And, after all, what was it that had made this diminution apparent? Surely not the sagacity or discovery of any hon. member, but that very act of parliament which had been introduced by his right hon. friend himself. But although this registry was made *de novo*, it was, after all, fallacious to a certain degree; because it was found impossible to rectify the register in sufficient time to make the proper return; hereafter, however, inquiries, at the close of every three years, were to be sent round to all the ports requiring returns; and the consequence would be, that they would have at least a triennial obituary of the men employed in British shipping. It was true, that his right hon. friend last year, had rested his arguments on the inaccuracies that had crept into the statements about British navigation; but he had not so much as made an allusion to the number of registered vessels on which the gallant general had founded so much of his argument. His right hon. friend had proceeded entirely on other criteria: the real criterion of the question was, what was the actual employment of the ships? So that, even if they had an accurate account of the number of ships, it would still be fallacious; for they would not be able to tell how far they were employed, or whether one-half or two-thirds of them were lying idle in dock.—Another object that they ought to have in view was, to ascertain the activity of their commerce, and its degree of competition with foreign commerce. Now, proceeding on the gallant general's own statement, it would appear, that of British ships which had come in from foreign ports, the tonnage in 1825, was two millions one hundred and forty-three thousand; in 1826, one million nine hundred and fifty thousand; and in 1827, two millions and eighty-six thousand: while the tonnage of foreign ships under the same circumstances, was, in 1826, six hundred and ninety-four thousand, and in 1827, seven hundred and fifty-one thousand. But, above all things, the gallant general appeared to have been struck with the diminution of the human race. His object appeared to be, that more men should be employed than were necessary to do the work, seeking, as it were, to multiply the number of superfluous workmen.—A complaint had been made, that the number of men employed in our shipping had diminished, while that of persons employed in foreign shipping had increased. He would now make a statement, that would not only show that complaint to be unfounded, but that would actually prove that there had been an increase in both; and that it was greater in favour of this country than of other nations.

Great Britain.

Years.	British.	Foreign.
1825	162,614	48,943
1826	151,327	37,137
1827	165,548	41,508

	Ireland.		*Total.*	
	British.	Foreign.	British.	Foreign.
1825,	65,921	3,779	228,535	52,722
1826,	73,301	2,701	224,628	39,838
1827,	71,913	2,028	237,461	43,536

This statement exhibited an increase of British seamen employed in 1827, as compared with 1825, of eight thousand nine hundred and twenty-six; and as compared with 1826 of twelve thousand eight hundred and thirty-eight. Thus, while there was an increase with respect to British seamen, there was a decrease in foreign seamen, employed in 1827, as compared with 1825, of nine thousand one hundred and eighty-six, and the increase in 1827, as compared with 1826, was only three thousand six hundred and ninety-eight. The result of these calculations stood thus:—British increase 1827, twelve thousand eight hundred and thirty-three; foreign increase 1827, three thousand six hundred and ninety-eight, as compared with 1826.—After these statements, where was the argument of the gallant general, that the shipping interest of Great Britain was in a state of depression. It was true, that the shipping trade had suffered a depression, but that depression could be traced, not to the want of employment, but to the want of profit on the part of the ship-owners. He agreed with the gallant general as to a depression in the shipping interest; but he differed entirely with him as to the cause of that depression. It was no doubt natural for the shipping interest to complain of their decreased profits; but what branch of our trade or manufacture had not suffered a similar decline. In looking at the shipping concerns of Great Britain, unfavourable inferences ought not to be drawn, because partial depressions might be shown at particular periods. The right hon. gentleman then read a statement of the total number of vessels, with the amount of their tonnage, and the number of men employed in navigating them, that entered inwards and cleared outwards, from and to all parts of the world, in 1814, and in the subsequent years of 1825, 1826, and 1827, from which it appeared, that the tonnage in 1827, as compared with the tonnage of 1826, had increased nearly seventy-two thousand tons. In the above statement Ireland was included as a foreign country. The following was a list of the amount of all foreign and British tonnage entered inwards, exclusive of Ireland, from 1825 to 1827 inclusive:—

	British.	*Foreign.*
	Tons.	Tons.
1825	2,027,469	892,601
1826	1,796,250	643,922
1827	1,972,780	715,824

Thus it would appear, that there was an increase of nearly two hundred thousand tons in favour of the latter year. His right hon. friend (Mr. Huskisson) had been accused by the gallant general of taking only single years for his comparisons; but his right hon. friend had taken the average of 1814 to 1823 inclusive, and then from 1824 to 1826.—The right hon. gentleman then proceeded to quote from the speech of Mr. Huskisson in 1827, on the state of the shipping interest, the average amount of tonnage of British and foreign shipping upon an average of five years, from 1814 to 1818 inclusive. The increase of British shipping in 1826, as compared with the above average, was four hundred and thirty-two thousand seven hundred and twelve tons, and of foreign, one hundred and three thousand nine hundred and sixty tons. The excess of British above foreign being three hundred and twenty-eight thousand seven hundred and fifty-two tons. The right hon. gentleman proceeded to read extracts from the report of the committee appointed in 1821, showing that the shipping interest had no occasion to complain. One material part of the present question he had nearly omitted: he meant the coasting trade:

	Tons.
In the year 1823 it amounted to	7,899,602

—	1824	—	8,101,337
—	1825	—	8,300,756
—	1826	—	8,368,812
—	1827	—	8,186,701

Thus it would appear, that the coasting trade, although slightly diminished during the last year, was progressively improving. He now begged to call the attention of the House to the following statement of the amount of tonnage which entered and cleared coastwise at the several ports in Ireland for the three last years, ending 5th January:—

	Inwards.		*Outwards.*	
	Vessels.	Tonnage	Vessels.	Tonnage.
1826	2,974	107,455	2,939	82,976
1827	2,882	97,443	3,203	102,575
1828	3,052	141,093	3,046	129,053

By these statements the House would perceive the wonderful difference between the tonnage of England and Ireland. He thought it was a debt of gratitude due to the latter country to devise some means to increase her maritime commerce. Before he closed his observations, he would say something with regard to the trade of London. It had been said, that the proceedings of last year had destroyed that trade; but the following accounts would show the incorrectness of that statement. In 1824, the tonnage of British ships engaged in the trade of London was six hundred and seven thousand; in 1825, seven hundred and fifty-eight thousand; in 1826, six hundred and seventy-five thousand; and in 1827, seven hundred and sixty-nine thousand; and the number of vessels was three thousand three hundred and eighty-nine in 1825, and about four thousand in 1827, showing a large increase over the great trading year 1825. There had likewise been an increase of the tonnage of foreign vessels engaged in the London trade. In 1824, the tonnage of foreign ships trading to the port of London was two hundred and sixty-four thousand; in 1825, three hundred thousand; in 1826, two hundred and fifteen thousand; and in 1827, two hundred and ninety-one thousand. The tonnage of vessels from the Hans towns was the next subject he should allude to; and he should do so because it was said, that our errors with regard to free trade had thrown overwhelming advantages into their hands, at the expense of this country. In 1825, the tonnage of their ships trading to this country, was forty-four thousand; in 1826, twenty-nine thousand; and in 1827, twenty-two thousand; so much for the truth of that complaint. The same remark might be made with respect to the tonnage of the ships from Prussia into this country, which, in 1825, amounted to one hundred and seventy-six thousand; in 1826, to one hundred and twelve thousand; and in 1827, to one hundred and six thousand. The number of ships of all nations that had passed the Sound in 1826 was eleven thousand; and that number increased in 1827 to thirteen thousand; but of that increase the proportion of the increase on British ships was thirty-seven per cent, while that of foreign ships was only eight per cent. He asked whether, under these circumstances, he was not justified in saying, that this country had nothing to fear from a competition with foreign nations? The country which possessed the vast resources of Great Britain, not only in a maritime, but an agricultural and manufacturing point of view, need not be under any apprehension from foreign competition. The more the subject was investigated, the more would the result show, that the shipping interest of Great Britain was far from being in that state which the gallant general had described.

Mr. *Liddell* said, he would not attempt to follow the right hon. gentleman through the very complicated statement which he had just made. He must say, however, that he was still incredulous on many points; and representing as he did a large county, which was so closely connected with the shipping interest, he should feel it his duty to make a few observations in reply to them. Notwithstanding the arguments of the right hon. gentleman, it was an appalling prospect for himself, and those with whom he was connected, to see their property daily depreciated, and no remuneration for the expenditure of their capital. Was it then wonderful if he clung to the faintest hope, that some remedies might be devised to check the growing evil, in order that those who had, for centuries past, considered themselves under the protection of the government might be restored to something like their former state of prosperity. The shipowners believed their distress to be mainly owing to the competition with foreign vessels, which they were unable to keep up. The charge for freight was now so low, that some protection was absolutely necessary. He was not opposed to liberal commercial regulations; but he thought there should be some relaxation from those lately established.

Mr. *Poulett Thompson* denied the expressions attributed to him by the hon. member for Worcester. What he had, on a former occasion, said was, not that British ships could be built, but that they could be sailed in competition with foreign shipping. This arose from their greater durability, their cheaper insurance, and the other palpable advantages which were known to belong to them. As a proof of this superiority, he need only refer to the report of the committee on foreign trade. Now, how did the fact stand, as to the comparative business of the British and foreign shipping in the general trade of this country? There had been, as the return of British shipping showed, an increase between the years 1827 and 1824, of five hundred and fifty-six thousand tons, and of thirty-four thousand four hundred and sixty-six men, and a decrease of the foreign to the extent of seven thousand, seven hundred and forty-eight tons, and of one thousand four hundred and ten men. And this comparative increase in favour of this country, was observable in the first year of the operation of the new measures, which were said to have inflicted so much evil. There had been, at the same time, a great increase of shipbuilding in the colonies; still he denied *in toto* the peculiar depression, upon which so much stress had been laid. He admitted, indeed, that the profits in the shipping trade were much reduced; but he denied that the reduction was in a greater proportion than that of the other branches of general trade. Let any body look at the list of comparative prices, and this would be obvious. In 1825, the price of Jamaica coffee was 91*s.*, at present it was 71*s.* During the same period cotton had fallen from 1*s.* 6¼*d.* to 7½*d.*, tobacco from 3¾*d.* to 2⅛*d.*, olive oil from 54*s.* to 43*s.*, British iron, per ton, from 15*l.* to 8*l.* 17*s.* 6*d.* lead from 29*l.* 10*s.* to 18*l.*, tin from 101*s.* to 76*s.* hemp from 43*l.* to 38*l.*, Dantzic timber from 5*l.* 15*s.* to 4*l.* 15*s.*; so that the diminution in the price of shipping had not sunk below its relative proportion. With respect to freights, in 1825, when the highest price was held out, owing to the chance of a short supply of all the commodities of the country, and a desire to speculate in obtaining the requisite substitute, the regular freight for clean hemp from the Baltic was 60*s.* a ton, at present it was 45*s.*; of tallow it had fallen from 40*s.* to 28*s.*, thus preserving the same proportion to the level of other articles. If the shipping, then, had not sunk, as had been asserted, but increased,—if the coasting trade gave employment to nine million of tons—if the fisheries employed forty-thousand—the colonial eight hundred and twenty-two thousand tons—the foreign trade two million, eight hundred and sixty thousand — if, in fact, the general employment of British shipping was eleven million, nine hundred and forty eight thousand tons, how could such a comparatively trifling competition as seven hundred thousand foreign tonnage be said so to have affected them? Then, the hon. member had said, that the ship-owners were peculiarly entitled to relief, from the meekness with which they had borne their depression, and the utter absence of all reproach against the right hon. gentleman (Mr. Huskisson) whose measures were said to have wrought this painful change. What! was the payment last year of 200*l.* from that body for a pamphlet, which did not contain one half so much argument, as it did abuse, no reproach of the right hon. gentleman? Was the exhibition in the metropolis, of a sort of general hoisting of flags, at the right hon. gentleman's resignation nothing? He could not treat with sufficient contempt the authors of these attempts at triumph, or with sufficient pity the deluded instruments made use of on the occasion? For what was this flag hoisting? A poor boatman, when he had put the question to him, simply replied- "Because of a gemmen going out who won't let us live." He would now say a word or two in reference to what had fallen from the Vice-president of the Board of Trade. That right hon. gentleman had told them, that he and the right hon. gentleman at the head of that Board would go into the inquiry next session, with the same impartiality as if their minds were sheets of blank paper. He confessed he heard this statement with dismay. If they were to have the whole of the great question again agitated an unheard-of degree of suffering and private distress and inconvenience would be produced. If all those great questions were again to be entered into by those who did not understand them, and were disqualified for the task, the country would continue open to the most alarming fluctuations and changes.

Mr. *Huskisson* said, that at that late hour of the night he would not trespass long upon the attention of the House. In the preceding session he had stated at large his views and principles in reference to this important question; and it would be quite impossible for him to add any thing to the lucid statement of facts which his right hon. friend had laid before the House upon this almost exhausted subject. The hon. member for Dover had expressed his indignant feelings at the treatment which he (Mr. Huskisson) had received from certain parties. He could assure the House, that such treatment had in no degree disturbed the tranquillity of his feelings, and if they had paid but 200*l.* to the writer of the scurrilous pamphlet alluded to, he would only say that they had measured their liberality by the low rates of freights. He would own that he had been rather startled by the first statement of the gallant general. The gallant general had commenced by stating, that he was about to discuss—what? an abstract naval question, with a collateral view to commerce. He must acknowledge that his gallant friend had well performed his promise—if by "abstract" he had meant a view of the subject, leaving out all the facts of the case—and he had treated the collateral part of the question with quite as little reserve. The gallant general had argued upon what he seemed to consider an apparent deficiency, or falling off, in the tonnage of the country, and in the number of seamen; and his proposition was, that next session they should inquire into a subject which had been already fully and satisfactorily explained. In the year 1825, he had felt it his duty to consolidate all the complicated and various acts relating to shipping; and by one provision then made, it was ordered, that all ships on coming into port should be registered upon the oath of the captain. The old Registry act, the 26th of the late king, did not provide for the ships which might be lost at sea, or otherwise destroyed: their registries still remained; but when he came to remodel the registries in the year 1827, it was plain that those ships which were no longer in existence could not be registered *de novo*. Therefore, all the shipping which had been lost or destroyed, from the year 1774 to 1827 were omitted in the new registry list. Thereupon the gallant general called upon him to account for the apparent diminution in shipping between 1826 and 1827. Why, the same thing would have happened, if the remodelling of the Registry act had taken place in 1814, or in any other year. But his gallant friend inquired, what had become of the seamen? In reply to this question he would state, that about a century and a half ago this House granted a land-tax to the Crown, and tax commissioners were appointed by king William in every county for its collection. These collectors were appointed only for the year; and it appeared, that each year the county members returned to government the names of a number of gentlemen qualified to fill the office. From the period of king William, to the present time, this law had continued unchanged, when at this moment a bill for that purpose was passing through the House; and it was found necessary to append to that bill all the names of all the commissioners who had been appointed, and of all the persons who had been recommended by the several county members from the time of king William to the present. The bill in that state had been already read a third time; it was a mass of such magnitude, that the other bills on the table would appear but as mere shreds before it; and, indeed, he should not be the person to move that it should be carried to the Lords by any one member of that House. Now, if any one proposed to take out of that bill the names of all those persons who were unquestionably dead—such as those appointed in the reigns of king William, queen Anne, king George 1st. 2nd. and 3rd.,—his gallant friend would probably stare at the diminished bill, and ask "What had become of all the commissioners?" His gallant friend had admitted, that there was an increase in trade, but he complained, that the expense in the men and shipping, by which the trade was carried on, had decreased. What, then, was the manifest object of his inquiry? That the shipping should be employed at higher rates,—that the country should be put to greater expense, and that thus all competition with foreign countries should be prevented! His gallant friend had complained, that by the aid of steam-packets, vessels were enabled often a fortnight sooner to get to sea, and that British vessels often made two voyages in one season to the Baltic. His gallant friend ought at once to pass a law to put down steam-packets, and to prevent vessels making more than one voyage in the year to the Baltic. There was an agent in London at present for all the shipping belonging to the north-east coast of England. That gentleman was Mr. Richmond, one who had closely attended to the interests which it was his duty to watch over; and in a letter which he had received from that gentleman this morning, there was the following sentence:—"It is not from want of employment that we complain; we have more of that than ever there was. Owing to the consumption of our noble and wealthy country, I am convinced that the importations of the year 1827 have exceeded those of the far-famed year 1825." This showed that the shipping interest were in no want of employment. He would admit, that the shipping interests, as well as the other interests of this country, had latterly made but small profits; but that was owing to general causes, which all must admit, while they deplored their existence. The shipping interests complained, on the one hand, and so did the farmers and manufacturers on the other. It had been over and over again asked, whether under the present system, British shipping could stand a fair competition with the ships of other nations. He would answer that question by a statement which had been put into his hands by one of the members for the city of London. The ports of Brazil were free ports; and it appeared that the trade of Brazil, between Brazil and Europe, owing to the want of shipping in Brazil, must be carried on, either by European ships, or by those of the United States. One article of Brazilian produce was sugar. It could not be brought to England on account of the high prohibitory duties. A great portion of it was exported to Trieste, and the other portion to Hamburgh. Twenty-eight vessels sailed from Bahia in the last year laden with sugar to Trieste; and of these, four were Austrian; two were Swedes; one Russian; the remaining twenty-one were English. Forty-eight ships sailed to Hamburgh from Bahia during the last year; of these, twelve belonged to Hamburgh; two were Germans; one Dutchman; one Swede; one Russian; and twenty-three of them were English. Thus out of seventy-five vessels which carried on the trade of the Brazils with Europe, about fifty were English. His right hon. friend, the Vice-president of the Board of Trade, had declared, that his own mind, and that of his right hon. colleague, were blank upon this subject. He did not think, however, that they were persons likely to adopt any change in the general policy of this country, which had been introduced within the last eight years by his two noble friends, in the other House, and himself. He was sure that the Vice-president of the Board of Trade was animated by such liberal feelings, that when he examined into the present system, he would come to the determination of maintaining and supporting it. That system had the approval of the present Secretary of the Home Department, of every member of lord Liverpool's government, and of lord Liverpool himself. He was anxious that it should go forth to foreign nations, that this country would not retrograde from that system. All he would ask was, let the system have fair play. If the blessings of peace could be continued, he was sure that, under that system, commerce, and all the interests connected with commerce, would flourish. A charge had been made elsewhere by one who, because he had been a diplomatist, assumed the wisdom of a statesman against this country for recognizing the independence of the South American States. It was a tardy wisdom which came in with its advice when, fortunately, it was impossible to prevent the establishment of the independence of those extensive countries. Those states had, unfortunately, occupied the relation of belligerents with one another, and some infractions of the law of nations had been committed. But had such infractions never been committed by this and other civilized countries in a state of war? Why, Old Spain herself had sinned fifty times as much in that way, as the countries that had been freed from her yoke. There had not been one case of irregularity committed by those belligerents on British commerce, which had not been made the subject of remonstrance. Those states, when they became more settled and tranquil, he was convinced would add increased wealth to the commerce of this country, and be, in every way, productive of the greatest advantages to England. He hoped that the present commercial system would have fair play, and he would stake his reputation on its success.

Lord *W. Powlett* recommended his gallant friend to withdraw the motion.

The *Chancellor of the Exchequer* said, he was anxious on the part of his majesty's government, to disclaim the opinions which had been, in some degree imputed to them, by his right hon. friend the member for Inverness, and more strongly by the hon. member for Dover. The hon. member for Dover seemed to think, from something which had fallen from the Vice-president of the Board of Trade, that government intended to abandon the principles, with respect to navigation and trade, which they had acted on previously to the late separation; but his right hon. friend, the member for Liverpool, had fairly answered the hon. member for Dover, when he asked, how it was possible that government could abandon those principles, when so many members of the administration were the very individuals under whose auspices those principles were first promulgated. He could sincerely say, on the part of those members of the administration and of himself, that there never was the slightest disposition to abandon those principles. Time was only wanting to show how decidedly and unequivocally they would be followed up.

Sir *M. W. Ridley* disapproved of the motion. Indeed, it was one by no means calculated to give satisfaction to the ship-owners themselves. If persisted in, he should therefore vote against it.

General *Gascoyne* said, he would not press the motion to a division; and one reason which principally induced him not to do so, was the advanced period of the session.

The motion was put, and negatived, without a division.

HOUSE OF COMMONS,

Thursday, June 19th.

USURY LAWS AMENDMENT BILL.] Mr. P. Thompson moved the second reading of this bill.

Mr. *Davenport* said, he should oppose the bill, as he considered it to be highly injurious both to the landed and commercial interests. Gentlemen when they now mortgaged their property, knew that as long as they paid their five per cent limited interest they were all safe; but if this bill were passed there would be no end to the extortion practised upon them. Many merchants had risen to opulence from nothing but upon borrowed money, for which they paid five per cent. If money had, in their days, been made a merchandise, as it was now proposed to be made, those merchants would never have attained the situation they at present filled. This plan of making money merchandise was tried in France by the National Convention, in 1793; but the extortion became so general, that the very same assembly was obliged to revoke this decree within twenty-three days. He would move as an amendment, that the bill be read a second time upon that day three months.

Mr. *Irving* approved of the principle of the bill; and, with regard to the object of affording facilities to the mercantile world for borrowing money in times of momentary pressure, he thought the suggestions of the hon. member deserved the best consideration; but, at the same time, he thought the measure ought to be confined to commercial concerns, and that real or landed securities should remain untouched. The hon. member for Dover deserved the thanks of the country for what he had done; but the subject was one which ought to be taken up by the government.

The *Chancellor of the Exchequer* suggested the propriety of postponing the bill to the next session; not from any unfriendly feeling towards its principle, but from a wish that it should be rendered as perfect as possible, and the public mind prepared for any change which might be deemed expedient.

Mr. *Heathcote* concurred in recommending postponement.

Sir *G. Philips* thought, that unless the right hon. gentleman would give a distinct pledge, on the part of the government, to bring forward a measure of this sort next session, or unless he would promise to support the measure when again produced by the hon. member for Dover, that hon. member ought not to withdraw his bill at this moment.

Mr. *K. Douglas* said, that the laws relating to usury had been referred to a committee in 1818, and that committee had made a report which was extremely favourable to their repeal. Since that time four different bills had been brought in for the repeal of the Usury-laws; and the principle of all of them had been admitted and recognized by the House. Considering the particular situation in which the chancellor of the Exchequer had been placed during the present year, he thought the hon. member for Dover ought not to press the right hon. gentleman to a hasty decision upon the question. At the same time, he thought the hon. member had a right to demand the same acknowledgment from the House to the principle of his bill as had been given to it upon former occasions.

Mr. *Sugden* said, he had been a close observer of the operation of the Usury-laws, and was convinced of their injurious effects. The commercial body and the landed interest were both equal sufferers by them. The commercial body evaded them by tricks; and the landed interest by borrowing money on annuities. Annuities not only raised the rate of interest against the borrower, but also locked up a certain amount of capital, which would otherwise be producing its effect on the marketable industry of the community. The Usury-laws, were also bad in another respect. They were framed in the most general terms, in order to avoid any evasion of them; and the consequence was, that many transactions, in which the parties had no intention to take usurious interest, had been declared tainted with usury. He was therefore anxious to see the present laws altered; although the alteration which he was anxious to see effected was very different from that which the hon. member for Dover now proposed. Any person who had read Mr. Bentham's "Defence of Usury," would agree, that the argument which that learned person had employed against the present laws was unanswerable. But men found, in many cases, that theory went one way and practice the other. Indefensible as the present laws were in theory, it was impossible to deny that some benefit had arisen from them. There was no inconvenience felt from the Usury-laws, when the market rate of interest fell below the legal standard: the inconvenience arose when the rate of interest exceeded it. The advantage of the Usury-laws in such a contingency was, that they studied and controlled the rate of interest; especially so far as the landholders were concerned. It was by thus looking at the working of the Usury-laws, that he had come to the conclusion, that though they were, in many cases, injurious to all classes of the community, the total repeal of them would be injurious. His objection to the bill before the House was, its tendency to authorise an evasion of itself. He would much rather vote in favour of the total repeal of the Usury-laws, than in favour of this bill.

Mr. *Robinson* observed, that the hon. member for Cheshire had founded his objections to the bill on the ground that it would be disadvantageous to the landed interest. Now, in order to make out a fair case of opposition, the hon. member should prove, that the laws which it intended to repeal worked favourably to the public at large; for though the landed interest was entitled to a large protection, he could not admit that laws so penal in their consequences should be allowed to remain on the Statute-book, merely because it was stated, that they acted unfavourably on that particular class. If hon. gentlemen would look at the report of 1819, they would see that more conclusive documents in favour of the repeal of the Usury-laws could not be placed before any legislative assembly. Now, what was the use of that report, if this bill were now to be opposed on the ground that the country had flourished under the operation of these laws? The fact was, that the country had flourished in spite of them. As his hon. friend could not effect any practical good by his bill at that period of the session, he hoped that the recommendation of the hon. member opposite would be adopted. At the same time he would vote for the motion if pressed to a division.

Mr. *L. Foster* contended, that the bill was as sweeping a repeal of the Usury-laws as any that had ever been proposed to parliament. He agreed that intolerable hardships arose to the commercial body from the existence of these laws; and to any plan that could remove those hardships he should have no objection. The hon. gentleman then referred to the evidence of Mr. Preston, who was examined by the committee on the state of the Usury-laws, and who gave it as his opinion, that the whole landed interest of the kingdom would be seriously injured by the repeal of those laws. What was the extent of the value of the landed interest of England? In 1804, the whole rental of England, that was to say, the whole annual amount of its land, amounted to 38,000,000*l.* It was natural to suppose, that that amount had increased considerably, but he would take it at 40,000,000*l.* Now, at twenty years' purchase, those 40,000,000*l.* per annum would amount to 800,000,000*l.*: the conclusion was, that 200,000,000*l.* sterling, was the *minimum* of capital that would fall into the hands of money-lenders. To the three classes whose interests the repeal or continuance of the Usury-laws would affect, he wished to lend every assistance. To merchants, and those who traded in money as a marketable commodity, he would say, that he felt the great inconvenience under which they laboured, from the law as it stood: and he wished it could be so modified as to meet their views, without doing away altogether with those wholesome restrictions, which prevented the introduction of an usurious rate of interest. To another class who were more needy, but fortunately not so numerous — he meant the annuitants — he would say, be careful how you seek for a change which, after all, may but lead to an imaginary good: and to the third class, the landed interest, —he would say, be cautious how you accede to a measure which would leave you practically at the mercy of money-lenders. If you are driven by the taunts of Jews and jobbers to accede to it—if the arguments of modern philosophers should prevail against your better reason—you will find in the end your estates in Chancery, and your substance wasted beyond the power of redemption.

Lord *Palmerston* said, that as far as the opinions of all classes could be collected, they were unanimous in reprobating the present Usury-laws. Every body admitted their inefficiency in checking and apportioning the rate of interest for the loan of money. Those laws enacted, that the holders of money shall not make the best use of it, but shall be restricted to a limited rate of interest. When the Usury-laws were first enacted, it was considered right to regulate the rate of interest payable for the loan of money, and to inflict penalties, if more interest were taken than the law allowed. The reign of Henry 8th was full of examples of a mischievous interference with respect to this subject. Penalties the most oppressive were had recourse to, to regulate and control the affairs of men of business. But the present time was essentially different from that to which he had referred. Every man should now be left to the care of his own individual interest; and no vexatious impediments should interfere to prevent the free and fair exercise of mercantile speculation. If we were not disposed to fix a *maximum* on the price of labour or of merchandise, upon what fair principle ought we to fix an arbitrary standard for the interest of money? With respect to commercial speculation, it was generally admitted, that no harm could arise from making the best use of money; which, in point of fact, was a merchantable commodity. He had heard no objection to that part of the proposed measure. Now, with respect to the landed interest, he was equally disposed to consider, that the proposed change would inflict no injury upon that body, but, on the contrary, that it would be beneficial to them; for, when money bore a high rate of interest, the land-owners were obliged to evade the law, by paying extravagant sums in the shape of premiums and interest upon mortgages effected to assist their necessities. The law as it at present stood was more pregnant with evil than the alterations which were now proposed. When a bill upon this subject was introduced upon a former occasion, it was objected that it was too general; and now it was said, that the present measure was equally objectionable, because its objects were too limited. He was ready to vote for the present bill, until something better was introduced.

Mr. *D. W. Harvey* was surprised that the noble lord should be so strenuous in supporting the interest of one class only of those who were most interested in the present question. He differed from the noble lord, and conceived that the measure would not have the effect of benefitting the landed interest. It was said, that if some such relief were not afforded, the proprietors of land, when in want of money, must have recourse to annuities to raise it; but he would venture to assert, that if the Annuity-office were searched, instances would be rarely found where fee-simple estates were encumbered with annuities. He thought that the law respecting annuities might be altered with advantage; and, as far as the penalties under the present Usury-laws could with propriety be modified, he would wish to see it done. If juries, for instance, instead of being obliged to return their verdicts upon the bare wording of the act of parliament, were obliged to judge, not only of the law but of the fact also, it would in a great measure disarm the effects of the penalties which the law inflicted. Although opposed to the bill, he was favourable to any measure tending to abate the rigours of the present law.

Mr. *Bright* opposed the bill. It was assumed that money was like any other commodity; but he contended that it was not. No man could go into the market to borrow money openly as he could go to buy commodities. The hon. member read a passage from Mr. Rothschild's evidence, to show that doing away the legal standard of interest would be an injury to the landed interest.

Mr. *P. Thompson* observed, that though he intended to press the bill to a second reading that evening, he would not carry it further during the present session, on the understanding that the chancellor of the Exchequer would, in the course of the next session, introduce some measure on the subject.

Mr. *Herries* said, that though he agreed with the hon. mover that something ought to be done, yet it would be necessary to draw a wide distinction between some classes of the community and others: he, however, was willing to admit, that it would be beneficial to all, if those laws were greatly modified, if not entirely repealed. On the understanding that further proceedings on the bill would be abandoned during the present session, he should vote with the hon. gentleman, and had no doubt that, in the course of the next session, some measure would be proposed by the government, that would make a considerable improvement in the law as it now stood.

The House divided: For the second reading 52; Against it 40. The bill was read a second time, and the committee put off for three months.

HOUSE OF LORDS.

Friday, June 20.

Penryn Disfranchisement Bill.] The Earl of *Carnarvon*, in moving the order of the day for the second reading of this bill, said, it would be his duty to call the attention of their lordships to the general bearing of the evidence on which this bill was founded. Their lordships had all the details of that evidence before them, and he would not waste the time of the House by repeating it. What he wished to call the attention of the House to was the general character of the borough. The great point for their lordships to consider was, whether there was not evidence of long-continued corrupt and vicious practices; whether there was not evidence that that corrupt character still existed; and if their lordships left the borough in its present state, whether it was not to be expected that future elections would be equally corrupt. The first period to which he would refer their lordships was to the election in 1802; and upon that occasion it was admitted, even by the counsel in defence, that the evidence of corruption was as complete as could be necessary to bear out the enactments of the present bill; and it might be fortunate for that borough, that this proceeding was not taken up twenty years ago, for their lordships could not then have hesitated to annihilate the franchise of that borough, and transfer it to some place more deserving. That evidence was complete; for, on the testimony of one of the agents for a candidate, which was undisputed, it appeared, that on several occasions he had paid a fixed and accustomed bribe to more than one half of the voters. It might be urged, if the present were a criminal proceeding against an individual that that bribe had been transmitted through an inferior agent; and after a lapse of time that inferior agent could be brought to the bar and give his evidence. But though this direct evidence of guilt was wanting, there was circumstantial evidence quite as strong. The superior agent had made out a list of the voters, and transmitted it with the bribes to the inferior agent; giving him at the same time directions to return no written account. But, indeed, the counsel at the bar had admitted that the case of 1802 was complete, and grounded his whole defence on the improvement which had taken place since. At the election in 1806, 12*l.* was given for single, and 24*l.* for double votes. After the election of 1807, the prosecution of sir C. Hawkins was commenced; and though he was acquitted, yet one of the agents confessed that he had given bribes to the voters; and the question for their lordships to consider was, not whether sir C. Hawkins had himself given bribes, but whether there was a disposition on the part of the voters to receive them.—The next election was in 1812, upon which no criminatory proceedings were taken; but, after the proceedings in the House of Commons, and after the trial of sir C. Hawkins, there was a re-action in the borough, and no one was willing to venture their money in the election; but though no one was found ready to bribe, it did not follow that there was no one willing to receive bribes. In the next election, in 1818, we had now no means of ascertaining the full extent to which the practice of bribery was carried; but it was no weak point in our favour, that Mr. Swann, the successful candidate, was condemned and imprisoned, after being prosecuted. After this prosecution of Mr. Swann, there was another interval of panic, and he had every reason to believe, that the election of Mr. Grenfell, in 1820 was not attended with any bribery. —He next came to the elections in 1824 and 1826. In those elections their lordships must recollect that there was no great number of candidates; besides which, the repeated trials and occasional convictions had operated much to deter bribery. He believed the two candidates, Messrs. Stanton and Barclay, set out with the intention of not resorting to bribery. Their agents continued to canvass the boteen roug has long as the could without bribery; but at last they were obliged to resort to that practice, and Mr. Stanton carried the election by a majority of sixteen of whom were sworn to have been bribed. At the time of the election one of the agents had got the start in bribery; but the other, as soon as the banks were opened, obtained 500*l.*, and gave it to his inferior agent, with directions to employ it in such a manner, as would secure the election, with strict injunctions to lay no details before him. Those instructions proved that the money was intended for bribery. In 1826, the whole contest remained between lord Perceval and Mr. Manning. Lord Perceval, a man without money in his pockets, was arrested before the poll closed, and withdrawn from all active opposition; but yet he was the popular candidate, and, until some bribes were given, his poularity prevented Mr. Manning rising above him. He then found that the agent, unknown to the principal, gave bribes, by which an impulse was given to the voters, and the majority turned in favour of Mr. Manning. In 1825, previous to the general election, Reid and Spry were deputed to go to Mr. Adey, to ask whether it was the intention of lord Perceval to stand; and it appeared that those men asked whether lord Perceval would bribe, because if he did not, he would stand very little chance. Mr. Adey afterwards came down to canvass, and the answers he received of the voters were such as "Speak to my wife,"—"Time enough yet,"—"You may have me if you will." Mr. Adey received such answers from one-half of the voters. This practice was not confined to the lower classes. Publicans and traders were not ashamed to own a similar spirit of corruption. The noble earl proceeded to extract various other instances of bribery from the evidence. He feared he should be opposed, on the present occasion, by the crown lawyers. He did not mean to say that the learned lord on the woolsack, and the other noble and learned lords, would not give an impartial hearing to the present bill, but he was afraid that they were too much attached to what they called vested rights. But he conceived that their lordships would be justified in taking the elective franchise from Penryn, in consequence of the general character for vicious practices which it bore. But he did not propose to disfranchise that borough on character alone, seeing that in 1802 there was a case of complete and complicated bribery. Their lordships should also consider what was the probable object of increasing the number of the voters. It had been maintained, that the increase had grown out of the increasing trade and wealth of the borough; but that attempt had failed, as the increase of voters had taken place chiefly among the poorer class. The noble lord here noticed the evidence of other witnesses, and particularly alluded to the conduct of Stanbury. The 3,000*l.* expended by that man in treating the voters could not have been expended without the hope of his gaining something by the speculation. Under these circumstances, some remedy ought to be applied to stop the practice of bribery in Penryn. He certainly did not think the evidence strong enough to warrant him in proposing that the franchise be transferred to some town out of the county. If the bill should pass a second reading, he should in the committee move that the franchise be extended to the adjacent hundred; though he must, at the same time, protest against such a method of punishing bribery in boroughs; because it would, if pursued, take away from the monied interest even the indirect representation which they at present enjoyed, by being enabled, through their money, to represent such places as Penryn. He should not propose to give the freeholders of the adjacent hundred a double vote, but allow the inhabitants of Penryn to be upon an equal footing with them.

The *Lord Chancellor* said, that, having as a part of his duty, attended to the evidence produced at the bar in support of the bill, their lordships would expect him to state the effect which that evidence had produced on his mind. The noble earl had assumed, from the office which he held, and the opinions he supposed him to entertain, that he would, as a matter of course, oppose the second reading of the bill. He wished the noble earl would be good enough to state from what vote of his, in that or in the other House of Parliament, he had felt himself justified in coming to such a conclusion, supposing that the bill had been supported by sufficient evidence. It was because the bill was not supported by evidence that he felt himself called upon to oppose it. The noble earl had not referred the House, as he was bound to do in candour, to the course which parliament was in the habit of adopting, with respect to such bills as the present. If the noble earl had done so, he must have admitted, that the House had not proceeded to the disfranchisement of a borough in any one instance, without proof of bribery against the majority of the voters—not mere conjecture, as in the present case—not mere assumption or probability, but distinct and positive proof. The case of Shoreham was the first. The number of voters in that case did not exceed one hundred and forty; and out of that number ninety-two had been proved to have taken bribes. The next case was that of Cricklade, in which, out of one hundred and seventy-two voters, one hundred and sixty had been proved to have received bribes. The Aylesbury case was another. The borough contained about four hundred voters, who were summoned by beat of drum to receive their bribes. In the case of Grampound there were fifty-eight voters, forty-seven of whom had received bribes. The greater part had been prosecuted, some had been overlooked in consequence of their poverty, and a few had escaped through some informality in the proceedings. The noble earl was bound to have stated these facts, that the House might be in possession of the usual course of dealing with corrupt boroughs. The noble earl had begun with the case of 1802; but why had he not taken the last? With respect to Penryn, the evidence related only to eleven voters, and the noble earl had examined some witnesses to prove the bribery, but had not called the others, in consequence of a contradiction between them. One of the cases was that of Thomas James, who said he had received a bribe of 10*l.*, and afterwards of ten sovereigns, from Mr. Stanbury, without making any promise. And, what was the result?—that instead of voting for Mr. Manning, in whose interest Stanbury was acting, he had voted against him. Besides, the witness had been contradicted by Stanbury himself, who denied having given him a bribe. He would not go through the whole of the eleven witnesses; but a woman of loose character, who had spoken to having seen bribes given under very improbable circumstances, had been contradicted, and had contradicted herself. In fact, there was only one witness who had not contradicted their own evidence. Under these circumstances, no case had been made out against Penryn; and that was the reason why he would not consent to legislate upon an assumption, that bribery had been committed.

Lord *De Dunstanville* said, that the object of the present bill was to extend the right of voting to the freeholders of the surrounding hundreds; and it had been said, that as he possessed considerable property in that neighbourhood, it would give him the power of influencing the elections. It was true, he had property in that part of the country; but there were nine or ten other persons, some of them members of that House, who might, in like manner, be said to increase their influence, if the bill was passed. But he was convinced the charge was untrue; for the independence of the freeholders there, especially of the substantial yeomen, was such, that if all the men of rank were to unite their influence in favour of one candidate, and a popular candidate was to start, he would beat their united strength. He would not, however, avail himself even of the chance of increasing any supposed influence he might have, but would show his impartiality by declaring, that there was no evidence to justify the change now proposed. In his opinion, no case had been made out, either in law or equity, to justify the present bill.

The Earl of *Eldon* said, he thought it his duty to express his opinion upon the evidence given in support of the bill. In his life, he had never seen one so utterly destitute of foundation.

Lord *Dacre* said, that if he could consider the question merely as a judicial one, he should feel obliged to give a verdict of acquittal; but it was not a novel practice for that House to examine witnesses to other facts than those of corruption. Inadequacy of numbers, as well as preference of their own over the general interest, was a cause of disfranchisement. In some boroughs, such, for instance, as those which have burgage tenures for the basis of their votes, it was impossible, at all times, to detect the corruption of the voters. If, therefore, nothing but the adoption of proof of corruption, on the part of some of these boroughs, was to be the means of admitting others into the representation, they would ultimately reject all those boroughs that were the depositaries of the commercial interests of the country, from the hope of commanding a seat in the House of Commons. He was no friend to those wild doctrines of reform that would establish universal suffrage, or even householder's suffrage in every case; for he did not think that any one uniform principle of voting could be adopted. There was one principle fixed in the landed property of the kingdom; there was another in the personal and commercial property of the country; and the last was represented by the populous boroughs that sent members to parliament, and some of them almost depended on the principle of universal suffrage. Whenever a bill of the nature of the present was before the House, he should look into it to see whether its object was to remove the franchise to an interest similar to that from which it had been subtracted; and if it was, he should support it. As the object of this bill was to transfer the franchise from the commercial to the landed interest, he should certainly oppose it, because it was in contravention of the principle he had just stated. The right of representation ought to be exercised for public advantage alone; and he would not do any thing that might divert it to the purposes of private advantage, convinced, as he was, that the time must come, when the great manufacturing districts would claim their right of having representatives in parliament.

The Marquis of *Salisbury* said, that the preamble of the bill ran in this form—"Whereas on account of the increased wealth and population of Manchester, it is expedient that it should return burgesses to parliament." Now, in that single sentence were embodied the wildest doctrines of radical reform. If there were no other grounds for opposition, he should oppose this bill on that alone.

The Earl of *Carnarvon* observed, that if the preamble contained the wildest doctrine of radical reform, it was a doctrine which had been acted upon by our ancient monarchs in summoning the representatives of boroughs to parliament; and it was especially one that was adopted by that very radical reformer, Henry 8th. As he saw the general opinion of the House was against the bill, he would not press it to a division.

The bill was then negatived.

HOUSE OF COMMONS.

Friday, June 20.

ARMY ESTIMATES.] The House resolved itself into a Committee of Supply, to which the Army Estimates were referred. On the resolution "for granting 36,898*l.* 10*s.* 6*d.* to defray the charge of Garrisons at home and abroad, for the year 1828,"

Colonel *Davies* said, he did not rise to oppose the resolution. He had very often pointed out parts of the military expenditure which might be saved; but, as he saw no disposition in the House to make any reduction of the public burthens, he thought it would be absurd to take up the time of the House uselessly.

Mr. *Hume* said, he thought there were a variety of items, which, with a view to economy, might be saved. The sum now called for was composed, in a great measure, of sinecures. Now, whether a sinecure was civil, military, or clerical, he felt it right to make war upon it. After enumerating the different garrisons where governors received salaries, although there were no garrisons at the stations, the hon. member expressed a hope, that the government would allow these sinecure garrisons to expire with the lives of their present possessors.

Sir *H. Hardinge* did not defend these garrisons upon any other principle, than that they were gifts in the disposal of the Crown, for the reward of long and distinguished services. If the present mode of disposing of them could not stand upon that principle, he readily admitted they could stand on nothing else. There were many general officers, of forty years standing, who had not more than 200*l.* a year; and he contended that they must suffer from this inadequate remuneration, if the Crown had not a power of rewarding their services, by the appointment to garrisons.

Colonel *Davies* said, the danger was, that these sinecures might be bestowed on individuals on account of political connexions, and not in consequence of public services.

Mr. *Hume* said, he should be glad to know what were the meritorious services of the governor of Dartmouth?

Sir *H. Hardinge* replied, that the situation had been, for upwards of a century and a half, in the same family.

Sir *J. Wrottesley* said, that many officers received 500*l.* a year, though they had never served during the war. He preferred the power to grant a government rather than a pension for service; because it was more agreeable to the feelings of an honourable man. But he wished to see them bestowed upon those who really deserved them. The case of Dartmouth was a very strong one. No one could have a vested interest in a thing which parliament voted annually.

Sir *James Graham* said, that Dartmouth had been in the hands of civilians of the same family for a long time; not for any laudable purpose, but for the most suspicious possible. The holder of it had great interest in the borough, which returned two members to parliament. He should feel it his duty to move, that the grant be reduced by 173*l.* 17*s.*, the amount of the salary of the governor.

Captain *Bastard* said, he believed the fort had been built by the family, in whose hands the office of governor had so long remained.

Mr. *Maberly* thought, that, as a finance committee was sitting, whose business it would be to investigate all matters of this nature, the subject had better be left to them.

Sir *J. Graham* said, that if the right hon. gentleman would postpone the grant until it was ascertained whether the fort had been built by the family, he would postpone his motion.

After a desultory conversation, the committee divided: For sir J. Graham's Motion 38; Against it 76.

Sir *H. Hardinge* next moved "that 283,193*l.* be granted to defray the charge of disembodied militia of the united kingdom, for 1828." This sum was voted under an act of parliament, but he hoped that a reduction would be made next year.

Mr. *S. Rice* thought that much of this large expense might have been saved. This militia had cost the country 2,500,000*l.* in the last twelve years, and no adequate value was given for it. The expense was under three heads:—training and exercise, enrolment of men, and expense connected with their effective strength. First, as to training, there had been only three trainings in the last twelve years, which had cost the country a large sum each. What possible benefit could the service have derived from three trainings in twelve years? And yet those three trainings had cost upwards of 300,000*l.* If the training and exercise were not required, of what use was the balloting and enrolment? In the metropolis and the adjacent counties, balloting was a system of mere fraud and perjury. He believed that if the militia were called out in the districts he had mentioned, no available force could be obtained. The same observations applied to all parts of the country. The balloting caused an annual expense of 24,000*l.*, besides occasioning considerable trouble to the home and foreign offices, and the lords lieutenants of counties. Any person who looked at the present strength of the militia staff must be satisfied, that it was greater than was requisite. By the 57th George 3rd, a power was vested in the Crown for reducing the militia staff. Immediately after the passing of that statute, lord Sidmouth proceeded to effect a reduction. Now, he was desirous that government should receive from parliament a similar discretionary power with respect to the whole militia service, and exercise it, if they should find occasion. A more preposterous job than the present establishment of the Irish militia staff had never received the sanction of parliament. In Ireland, there was no ballot and no training; the expense of the staff, however, was greater than in England. The service in Ireland was merely a source of patronage to the colonels of the regiments. It was their custom to form their men into bands, for the entertainment of their friends at their mansions. He did not complain of the taste for pomp which those gentlemen displayed, but he did not think it right that they should indulge it at the public expense. It might be urged that the maintenance of the Irish militia was necessary, to preserve the public tranquillity; but it should be recollected, that there exsited an efficient police for that purpose, and he believed that the country would not be more disturbed than usual if the whole of the Irish militia establishment were put down.

The *Chancellor of the Exchequer* said, that the imputations cast upon government were not warranted by facts. When he was a member of the Irish government, he had brought in a bill to reduce the militia staff of Ireland, by which a saving had been effected to the country. He thought that parliament would very properly object to invest government with a power to deal with this constitutional force according to [their discretion. Whatever power was granted to the executive by the legislature on the subject, ought to be strictly defined. He would not maintain that it might not become expedient to alter the constitution of this force, in a manner which might save expense without depriving the country of the benefit of the militia service at the breaking out of a war. He denied that the present system of ballot and training was not useful. The ballot gave a certain number of men, who were bound to perform duty when called upon; and it was necessary to know where men were to be found on a sudden occasion. The government would submit a plan to the House when it was prepared, by which a reduction might be made by definite rather than general powers to be granted by the legislature.

Sir *John Wrottesley* said, he did not think it right to abolish the militia force. In 1793, the military establishment was so small, that the country, at the breaking out of the war, was absolutely dependent for its security upon the militia. He would, however, point out a plan by which the efficiency of the militia could be increased without any additional expense. Within the last thirteen years, the infantry of the line had been greatly improved, whilst no attention had been paid to those improvements by the militia; and were a war to break out, the serjeants of militia would know nothing beyond what they were informed of at the close of the last conflict. There ought to be a permanent militia force kept up, with a due proportion between the numbers of officers and men, and a constant system of exercise should proceed, so that all the men would be trained in a few years. The militia might then do the duty of the veterans, and be made useful in many respects.

Colonel *Wood* said, it was not desirable to break down a force like the militia, which was capable of being called into active service at a short notice. If war were to take place with France, now that the facilities of steam navigation were so extended, the services of the militia would be indispensable. It might be desirable to give government the power of suspending the ballot; but even that should not be done lightly and as a matter of course; for it had been before refused by parliament, on the ground of its being unconstitutional. He was colonel of a corps of militia, which consisted of one thousand two hundred men, and he had that morning asked his adjutant how many men would be likely to turn out if they were called on. The adjutant replied that one thousand men would assemble in the course of a few days. Upon the whole, he was inclined to think that some reductions might advantageously be made, but he would never consent to any proposition for putting down the service altogether.

Mr. *Warburton* said, that the expense of their regular force during the last eleven years had amounted to 5,410,000*l.* or about 490,000*l.* a year. Now, was it worth while to keep up that enormous expense to guard against the possible event of our being taken by surprise with respect to hostilities? The gallant colonel seemed to apprehend danger from steam navigation. But, in a contest of that kind, this country must necessarily have the advantage. We had made the greatest improvements in steam-navigation and machinery, and possessed the best coal-mines in the world.

After some further conversation, the resolution was agreed to. On the resolution, "for granting 1,500*l.* to the Royal Cork Institution, for the year 1828,"

Mr. *Hume* asked, why were they not called on to make similar grants to Limerick or Waterford, as well as to Cork?

Mr. *R. Gordon* saw no reason why Cork, which was a wealthy city, should not maintain a literary society, if it chose to have one, at its own expense.

The *Chancellor of the Exchequer* said, the institution was established in 1802 by private subscription, and was continued until 1807, and then its members made application for parliamentary aid. It was a literary society, and lectures were given there gratis, to the middling and more humble classes of society. Upon this ground it was that it had been fostered by government, at an expense of from 1,600*l.* to 1,800*l.* a year. It was, however, to be but a temporary grant, and he had limited it this year to 1,500*l.*, a sum which he did not consider ill spent, in disseminating knowledge through a large portion of the Irish people.

Mr. *S. Rice* was of opinion, that unless the pesent Finance committee took up all these subjects, and reported on them as that of 1817 had done, *seriatim*, it would not do its duty. The grant had been acceded to in 1807, by the right hon. member for Waterford, for the purpose of sowing the good seeds of education and scientific improvement in the south of Ireland; but on an understanding that, when the association was more matured, the grant should be made in favour, not of Cork, but of some city which required it more. 36,000*l.* had already been expended in this way at Cork, whose institution was not, after all, so praiseworthy as that of Belfast.

Mr. *D. W. Harvey* said, he had, last session, suggested the expediency of establishing one or more committees to inquire into such subjects. Discussions, such as the present, were productive of no good, and only served to sink the House of Commons in the estimation of the country.

Lord *Morpeth* said, it was high time retrenchment should be introduced in every branch of expenditure, and he should therefore move, as an amendment, that the vote be reduced from 1,500*l.* to 1,000*l.*

Mr. *Hume* remarked, that whilst we were contributing to improve the people of Cork by hundreds of pounds at a vote, their own contribution to the object in view amounted to no more in hand than 170*l.*

Mr. *North* was apprehensive, if the reduction was so sudden, that the institution would be deprived of means to defray the salaries of the highly scientific lecturers in the institution. The argument that England maintained its own scientific, literary, and mechanics' institutions, was not fairly applied to the question, because England was wealthy; Ireland excessively impoverished. As things were in Ireland, unless parliament contributed to the support of institutions like this, there would be none. He hoped the noble lord would, for these reasons, withdraw his amendment.

Lord *Morpeth* said, that the reduction was very moderate, and he should certainly divide the committee on the question.

The Committee divided: For the Amendment 26; Against it 66: Majority 40. After which, the Chairman reported progress.

New South Wales Bill.] Mr. Huskisson moved, that the House resolve itself into a committee upon this bill.

Sir *J. Mackintosh* rose, and after alluding to the various changes that had taken place in the Colonial office, to which might be attributed a great portion of the delay which the measures proposed by the right hon. gentleman had met with, he said, that at that late hour of the night, and in the exhausted state in which he found himself, he should take care not to waste any part of that time and attention which the kindness of the House usually bestowed upon him, by unnecessary delay, or still more unnecessary apologies. Without further comment, therefore, he should proceed at once. The objects embraced in the motion of which he had given notice, were embodied in the following resolutions, which he should now read, as the foundation for those arguments with which he should afterwards trouble the House. The first resolution which he should propose was, "That it be an instruction to the committee to receive a clause for the immediate establishment of trial by jury in New South Wales and Van Dieman's Land (excepting the penal settlement for offenders there convicted), and for directing the governor and council of each colony respectively, to frame regulations for that purpose, respecting the number and qualifications of jurors, either in the whole colony, or in any districts which may seem to them to require modification." The second resolution was,—"That it be an instruction to the committee to receive a clause to provide for the election of one-third of the legislative councils of both the said colonies (till assemblies shall be called by his majesty), to be chosen for five years, by all persons enjoying a clear yearly income of 100*l.*, who shall have been free inhabitants for three years, and to direct the governor and the present council to make such regulations as they think fit, respecting the time, place, and other circumstances of the election of such members." — Having stated the objects which he had in view, and which were contained in these resolutions, he might almost content himself without intruding upon the patience of the House; but feeling, as he did, a warm interest in the fate of those colonies, he hoped he might be excused if he trespassed a little upon their time. It appeared by a late census, that in New South Wales there were fifty-five thousand free Englishmen, all of whom would be eligible to act as jurors. He saw no reason why those colonies should differ from other colonies, and why the blessings of the British constitution should be withheld from them, while other parts of his majesty's foreign possessions enjoyed those blessings. Their condition as penal colonies was no reason why they should not possess the right of electing representatives, and the blessing of a trial by jury. The only way to wipe out the foul stain cast upon these colonies would be, to show their inhabitants that they were placed upon the same footing and enjoyed the same privileges as other parts of his majesty's possessions. Many persons had been deterred from settling in New South Wales from no other cause than that it was branded by the legislature as a receptacle for crime. The only way to introduce a reformatory system, if he might use the term, and to make those colonies one grand penitentiary, would be to afford to the inhabitants the means of relieving themselves from the stigma which had been cast upon them. The hon. and learned gentleman proceeded at some length to point out the advantages which would arise by the introduction into New South Wales of the two measures to which he had referred; namely, the right to elect representatives and the trial by jury. The right hon. gentleman opposite (Mr. Huskisson) had narrowed the ground upon which he was now presuming to legislate; and the only question between them appeared to be, whether the proposed measures should be adopted now or hereafter. He wished to begin the work of reformation by granting some of those privileges at once, which in time must all be conceded. The free settlers were all native Englishmen, who had most of them been jurors in their native country. He was not introducing new measures amongst a new people. The great body of the settlers were already acquainted with the duties which, as jurors and electors, they would have to fulfil, and consequently the present time was that which should be seized upon, to afford them those advantages which they were entitled to receive. But, if those measures were delayed to an indefinite hereafter, the present proportion of British settlers would grow less and less, and a new race would spring up, who would neither understand nor be capable of appreciating the blessings of the British freemen. Was it wise to say, wait until this people shall number half a million, and then, ignorant as they would be of the benefits to be derived from the privilege of electing members to watch over their interests, and equally ignorant of the blessing of the trial by jury thrown suddenly amongst them those institutions of which they had previously known nothing, and the benefits of which they would be wholly incapable of appreciating? Was it consistent with policy to withhold those institutions from the colonists of New South Wales, and wait until they became too strong for subjection; when they might possibly demand that as a right which they would now look upon as a boon? If those institutions were delayed, a civil war, or the total loss of the colonies, must follow.—The hon. and learned gentleman then alluded to the feuds which existed in New South Wales between the "emancipationists," as they called themselves, and the non-emancipated. Now, nothing, he conceived, could have a greater tendency to soften down asperities, and blend men together, than when they were in the habit of acting together in different situations of society. From the result of his inquiries, he could not help wishing that he had not at first moved for the appointment of a select committee to investigate the subject now under discussion. Excepting Mr. Bigg, there was no authority against the introduction of those institutions: opposed to his evidence, there was the testimony of governor Hinton, and also that of the late governor-general Macquarrie, who was justly called the father of the colony, and who, in his report to lord Bathurst, in 1825, stated, that there was a sufficient body of freemen in those colonies competent to perform the duties not only of jurors, but electors. It might be said that sir Thomas Brisbane, because he was devoted to the pursuits of science and philosophy, was not a competent witness upon such a question. It was true that queen Elizabeth said, that "Mr. Bacon," as she called him, was too much of a wit to make a good lawyer; but, however true the observation might be, generally speaking, it was about as just in the instance of the great Bacon, as it would be to say, that sir Thomas Brisbane was an incompetent witness upon a question like the present, because he had brought home a larger share of knowledge upon other subjects than fell to the lot of most men. Chief-justice Wilde, and Mr. Justice Forbes, had also given it as their opinion, that the trial by jury would work well in New South Wales; and they laughed with scorn at the idea, that this colony was not as ripe as any other to partake of the benefits of a free constitution.—Now, with respect to a representation, there was no doubt that if the inhabitants of New South Wales were represented in assembly, they would more cheerfully contribute towards taxation. Above all things let the benefits intended sooner or later, come in the shape of free gifts; else, by protracting them, a great part of the grace and favour which belonged to concession would be taken away. In an able anonymous essay upon Milton, the supposition that a nation could not be ripe for liberty, was very ingeniously opposed. The author said, it reminded him of the story of the man, who sagaciously resolved never to go into the water until he had learned to swim. He, however, although struck with the whimsical ingenuity of the illustration, still maintained a different opinion. Desiring to teach his son the useful exercise of swimming, he would put him at first into shallow water, and give him an opportunity of acquiring the art by degrees. In the same manner would he impart constitutional privileges to the colony. It would be judicious policy to initiate them into the system of perfect civil liberty as early as possible, in order to prevent hereafter such a shock to their feelings and habitual opinions, as its sudden introduction must necessarily produce.

On the first resolution being put,

Mr. *Huskisson* said, he would offer a few observations in support of the measure which had been originally proposed. It had not been framed without a careful investigation into the circumstances of the colony, and the right hon. gentleman had done him but justice in saying, that he had kept in mind the importance of not forming any regulation which would prevent the gradual introduction into that country of all the institutions which were so beneficial in this. He wished to see the population of New South Wales in the perfect enjoyment of the advantages resulting from trial by jury, and an elective assembly, on the same principle as that which was so successful in its operation in England. But, the question was, whether they could at present be so introduced, under all the peculiar circumstances now attendant on the state of society in that colony? He thought not. There was, in fact, little difference between the proposition of the right hon. gentleman and his own. The one wished for the immediate introduction of trial by jury, giving the governor a qualifying power of suspending it in any local district, according to his discretion. The other proposed, that it should be suspended for the present, but gave a power to the governor gradually to extend the system, as circumstances might admit of it. He also intended to move an amendment, "that in all civil cases the supreme court should have a discretionary power to grant trial by jury, if the parties were not averse to it." If the right hon. member had made inquiry into the state of the population, he would have found it quite impossible practically to introduce, at present, the forms and proceedings appertaining to jury trial, and constitutional elections for a legislative assembly. He had talked of the manner in which he would gradually accustom an innocent boy of fourteen years, brought up in a monastery, to the business of life and the usages of the world. For his part, he could not perceive any similarity whatever between such a boy and the population of New South Wales, two-thirds of which had been sent forth, not from a monastery, but from Newgate, condemned to fourteen years of punishment for their agressions against the civil and moral interests of their fellow subjects. The average of the inhabitants was one man to 20,000 acres; and society, he need scarcely add, was on a footing quite different from that of this country. There there were feuds and jealousies arising from the relative situation of freed men and masters. They could never be brought to intermix in social life, and the one class would be too often disposed, when an opportunity should present itself, to avenge former injuries and slights, which they might have received from the other. Would an Englishman, who went out to the country possessed of wealth, character and education, choose to have his life and liberty exposed to the decision of a jury, nine or ten of which were convicted criminals? He was satisfied, from the official inquiry which he had instituted, that nothing would so much tend to deter capital, and respectable members of society from finding their way to this colony as the establishment of trial by jury, in its existing condition. The species of trial now in operation there appeared to give the completest satisfaction, whatever might be its defects. There were no complaints against the administration of the law, either on the part of the chief justice, or of the population. He had no doubt but any man would prefer being tried by seven officers of honour and reputation, to risking his fate on the verdict of such persons as he had described. As the duration of the bill was to be but seven years, he gave sufficient earnest of his wish not to interfere with the future introduction of all the institutions which this country enjoyed. He was far from desirous to withhold from the colony any of the benefits to which it should be entitled. With respect to the election of a legislative council, he wished the right hon. gentleman to observe, that the present bill went a step towards imparting the privilege.—The existing government was neither arbitrary nor despotic, for there was a free press, which had a due influence and control over public affairs; all trials were held openly, and the population, on all occasions, manifested a jealousy with respect to their rights. Such being the present civil condition of the colony, he could not believe that all the constitutional customs of this country would be there forgotten in a few years, as the right hon. gentleman apprehended. The glorious institutions of England would surely not appear alien to their habits and feelings, when new settlers of wealth, intelligence, and reputation were every day removing thither, and thereby causing a constant infusion of British principles amongst the population.—It seemed to him, that the proposition now suggested would place the governor in a most invidious situation, as it would have him, at fifteen thousand miles distance, to suspend a popular privilege, which the parliament of the mother country had been pleased to confer. For these reasons he should persevere in recommending the original measure to the House, with a clause empowering the governor to extend trial by jury in certain cases, and also requiring, that on the enactment of any new statute, he should make a declaration of the extent to which the British law obtained in the colony. The right hon. gentleman had expressed himself desirous of having a select committee appointed on this subject. He wished, however, to remind him, that he had also taken an interest in the state of Canada, and obtained a committee for the purpose of inquiry, That committee, notwithstanding, had not been favoured with either the counsel of the right hon. gentleman, or the light of his countenance, as far as he could understand, from that hour to this [laughter].

Mr. *D. Gilbert* said, he had always felt a great interest in the fate of New South Wales, which he could not avoid thinking was destined to spread the British language to as wide an extent in the east, as our other colonies had carried it in the west. He was, therefore, much delighted to hear from the right hon. gentleman who spoke last, that so much of the constitutional doctrines of the mother country ought to be infused into the government of a colony, which was rapidly rising to power and importance. He felt satisfied, from the statement of the right hon. gentleman, that in a country, where so large a proportion of the population were slaves, trial by jury could not be yet introduced with safety. He thought, however, that there might be a slight mixture of representation introduced. For that purpose he would give the new settlers a vote for the election of a representative; and he thought that by these means the colonists might gradually acquire the advantage of a representative government.

Mr. *Hume* was sorry that the inhabitants of this colony had been pronounced unworthy to be admitted to the privileges of the British constitution. It was said, that trial by jury should not be introduced suddenly into New South Wales. In proof of the fallacy of that position, he would instance the cases of Florida and Louisiana, into which trial by jury was introduced one week after the colonies were ceded to the United States, and its introduction rendered the inhabitants good subjects and good members of society. He regretted that this colony should be kept for seven years more in a state of pupillage; and that it would not be placed at once in a situation to enjoy those privileges to which it was fairly entitled.

Mr. *Warburton* intimated, that when the House went into committee he should propose to leave out the clause giving suitors in the courts of justice in New South Wales, the power of appeal to the Privy Council.

Mr. *Stuart Wortley* eulogised the bill, which he considered admirably adapted to carry into effect the objects it had in view. New South Wales was placed in a different situation from that of other colonies; the continual influx of a certain class of persons into that colony opposed a bar to the sudden introduction of legislative improvements, and created and maintained *castes* in society which were prejudicial to the interests of the colony.

Sir *M. W. Ridley* said, he could state, upon the authority of persons well acquainted with New South Wales, that it would be impossible to introduce either trial by jury or a legislative assembly there, under the present circumstances of the colony. He would suggest, however, that the official appointments should be published in the London Gazette, that the public might have an opportunity of judging of the character of the individuals selected to fill such situations.

Mr. *H. Twiss* said, that the governor of the colony had the power of extending to the colonists the right of trial by jury, if he should deem it expedient.

Sir *J. Mackintosh* here intimated that he should not press his amendments.—They were accordingly put and negatived.

HOUSE OF LORDS.

Monday, June 23.

SLAVERY IN THE WEST INDIES.] Earl *Grosvenor* said, he had a petition to present from Chester, on the subject of "the Abolition of Slavery in the West-Indian Colonies." Their lordships were perfectly aware that since the year 1807, when the Slave-trade was put an end to, until 1823, little or nothing was done with a view to the amelioration of the slave-population, or of putting an end to slavery itself. It therefore happened that in 1823 there was an universal call upon government to come forward and do something; and a most distinguished minister did, much to his honour, propose certain resolutions, which were adopted. Subsequent to that period certainly more than before was done, but so little, that he was sorry to state how little was done, with a view to carry those resolutions into effect. What had been done? In Trinidad, after a long period, a Colonial Assembly did pass a law, such as it was; but when it came over to this country for the approval of the king, his ministers advised him to return the bill as most inadequate for the purpose. He now came to another colony, Demerara, which had no legislature of its own. That colony was selected for the trial of the measures of government, and a petition was sent over from that colony to this country against those measures. He must say that it certainly was wise in those persons who were anxious to defeat the object of government, to put forward the colony of Demerara, which was under the more immediate control of government, to see whether that colony could induce the government to pause in carrying into effect the vital object manumission. If the colony of Demerara, having no legislature had succeeded, the colonies having legislatures could not have failed in effecting that purpose. If the slaves were not allowed to work out their freedom, what could happen but misery and despair? Besides having the Sundays to themselves, they ought to be allowed some portion of the week days; otherwise, how was it possible for these unfortunate people to obtain the means of ultimately indemnifying their masters. In this state of things, what was the conduct of the West-India colonies? They had arraigned in the severest terms the conduct of the government, in recommending manumission, and declared their determination to mar that object. It was said, indeed, by their partisans, that if the slaves were manumitted, no work would be done, and the estates would be permitted to remain uncultivated. He admitted that there were instances in which this might have been the case; but there were other instances in which free labour had been beneficially conducted. On this point he regretted that the particular facts, as connected with St. Domingo, were not before them; for then they could see how far they were dependent for the supply of sugar on the West-India islands, or if the latter were at the bottom of the ocean, whether they would not have elsewhere an abundance of sugar. As to the predictions of the colonists, before the abolition of the Slave-trade, it had been said, that if the motion were carried, a supply of negroes would not be found to work the lands. Mr. Pitt ably demonstrated the fallacy of such an apprehension, and the result had proved the correctness of his judgment. The fact was, that the class of planters who were satisfied with a fair portion of slave-labour always had their work well done; while there were others, who were never satisfied with what they got in field service. The greatest abuse had been heaped upon a late right hon. gentleman, and on the noble earl opposite (earl Bathurst) for their attempts to get the manumission clause acted upon; and it was in vain to hope the colonies would obey, without compulsion, the orders in Council. If this privilege were not secured for the slave-population, there would be an end to their moral as well as religious improvement. When men became acquainted with their rights, they must feel acutely the miseries of bad treatment, and be driven to despair if their wrongs were left unredressed. The enslavement of the mind must necessarily follow that of the body; and therefore he was anxious to avert, if possible, the evils which must attend a prosecution of the present vacillating system. The questions which he wished to ask were; first, what were the intentions of government respecting the manumission clause, if the colonies continued to be refractory? It had been recommended in that case to withdraw from them the bounties and protecting duties. Something ought surely to be done to command their compliance. Next, he wished to know what was the state of the mixed commission for arbitration; how far it had been successful, and at what expense? He was very anxious to see the Slave-trade put down under foreign flags, though he confessed he could not hope for the completion of that advantage until slavery was abolished in the British colonies. There was one other point on which he wished information; namely, what steps had been taken to improve the condition of the people of colour in the colonies?

The Duke of *Wellington* said, he could assure the noble earl, that his majesty's servants who were in office when these resolutions had been passed, the government which had succeeded them, and the present administration, were each, and all of them invariably determined to give effect to the views of parliament on this subject. They had felt it their duty to proceed, in the sense and the spirit of the votes to which he alluded; namely, gradually, so as to keep in view the peace and tranquillity of the colonies, and the property and prosperity of all classes of the inhabitants. His majesty's servants had taken the most prudent steps for this purpose, and not without having made some progress in the work, as well as having gone far in establishing the principle they were enforcing. He ought likewise to observe upon the irritation displayed by Jamaica and other colonies on this subject. He might be permitted to say, that it was natural for men to be irritable who thought their property likely to be seriously affected by these measures of legislation. Still he admitted it was the duty of government to persevere in executing the wishes of parliament, until they were complied with—a compliance no less necessary for the advantage of the colonial proprietors, than of the slave-population under them. To show how far the principle had been adopted by the colonial authorities, he had only referred to the Jamaica act of the last Legislative Assembly, which, though it had not received the royal assent, was not on account of any refusal to adhere to the principle, which it had fully recognized, but because of its having mixed up separate matters in the act, which it were better to have detached from it. Jamaica had, therefore, adopted a great part of the principle recommended by the government at home; and other colonies, St. Christopher, for instance had gone some way in the same path. On the whole he should say, considering the prejudices naturally interwoven with West-India views of this subject, it was more wonderful to behold the progress already made, than to express any strong censure for what remained to be done in furtherance of this business. Nevertheless, it was the duty of government to persevere in the mode best calculated to execute all these measures gradually and temperately. The noble earl had asked what they intended to do respecting manumission. They ought to recollect, that the Court of Policy of Demerara had petitioned against that part of the Order in Council; the Privy Council had not yet decided upon that petition. It was no doubt intended to carry that principle into execution; still, like every other part of so nice and complicated a consideration, the mode of acting upon it must be regulated by contingent circumstances. They must bear in mind, that, within the last year, there had been no less than four gentlemen in the office of Secretary for the Colonies, and really it was not possible, without very calm and deliberate consideration, to come to a safe conclusion upon a point of this kind: for himself he could own, that, up to the present day, the government had not made up their minds as to the mode of giving a practical application to the principle which, he again admitted, they were bound to see executed.—As to the general state of the Slave-trade, notwithstanding the treaties for its limitation or suppression which Great Britain had already made with every maritime state in the world, it was melancholy to be obliged to admit, that it was still carried on to a lamentable extent. He adverted to this fact, to show all the difficulties which surrounded this subject. England had spared no pains nor expense to arrange these treaties; yet he was afraid it would appear that at this very moment more slaves were borne away from Africa (not however into the British colonies), than were exported from thence before the abolition. As to the courts of Arbitration at Sierra Leone, they were very active: above a hundred cases had been brought before them for adjudication in the course of a few years; about twelve thousand slaves had been, through their agency, set at liberty, and the expense was near 16,000*l.* a-year. If they had not been as effectual as could have been wished, no blame attached to the individuals engaged in them, who were certainly both zealous and active. With respect to the people of colour, regulations had been framed in Jamaica for enabling them to enjoy certain privileges, and hold certain situations in common with the white inhabitants.

Lord *Calthorpe* said, that, instead of being disposed to look with confidence towards the colonies for a redress of wrongs, he saw nothing in their conduct which did not lead him to draw an opposite inference. He was quite at a loss to reconcile the noble duke's hopes with the recorded acts of these colonial bodies, and their avowed determination to thwart all the recommendations of the government at home upon the subject. In fact, the negroes had been very little relieved by any of these ameliorating acts of the colonies. The colonies did not, indeed, say; "wait until we can see if we can execute these orders; give us time to adapt ourselves to the change." On the contrary, they denounced the attempt to legislate for them throughout, as unjust and ruinous, and demonstrative of the ignorance of the government at home of their real situation in the colonies. How could the government, then, place any hopes in the promises of people, who plainly told them, that the parliament in framing these resolutions had not been governed by its proper legislative wisdom, but had on the contrary lent itself to the dictation of a set of fanatics who, in their indiscriminate wishes to tamper with the slave-population, were prepared to plunge the islands into bloodshed and ruin?—The noble lord then referred to the last Jamaica bill, and denied that it bore the character ascribed to it by the noble duke. He contended, that the baneful effect of slavery was in no case so remarkable as in these repeated aspersions of the deliberate decision of parliament. And who were the parties who denounced the British legislature in its attempts to save the colonists themselves from the blind fallacy of their own views? Why, they were planters who depended for subsistence upon the admission of their sugars into the British market, on terms which they would be unable to obtain in any other part of the world,—persons who solely depended for their safety on the presence of the British troops. It was only necessary to withdraw the latter, if they wished to have these people overrun by the immense native population that surrounded them. In fact, he saw no reason for the hopes which had been held out: even the strong declaration of confidence expressed by the noble duke was more calculated to destroy than to strengthen their consummation.

Lord *Seaford* said:—My lords; though I cannot consider the present occasion, when there is no practical question before the House, to be one on which it can be desirable to discuss so delicate a question as that of the emancipation of the slaves in the West-India colonies, yet, as the noble lord who began this discussion, and the noble lord who spoke last, have both of them thought fit to enter very widely into this subject, and to indulge in some animadversions upon the conduct of the colonial legislatures, and the disposition of the inhabitants of the colonies, which appear to me to be neither correct nor deserved, I feel that it would be a failure of duty on my part, connected as I am with the colonies, if I were to allow those observations to pass altogether without some notice.

Never having had an opportunity of taking any part in your lordships' discussions on this subject, I am anxious in the first place, to state generally, and I will endeavour to do so very shortly, the outline of my opinions upon this question; and as those opinions happen to be in accordance with the principles and doctrines which have been laid down in the course of the discussions upon the abolition of the slave-trade and the emancipation of the slaves in the West Indies, by persons of the highest authority, not only as eminent statesmen, but as the most distinguished amongst the abolitionists, I will use their words, in illustration of my opinions, as well for the purpose of insuring to those opinions all the weight that is due to them, as for that of avoiding all possible cavil as to their title to such high sanction.

The soundest and most correct doctrine as it appears to me, with respect to the extinction of slavery in the West-India colonies, is to be found in a report of the African Institution, published in 1815: "They did not aim at an emancipation to be effected by insurrection in the West Indies, or to be ordained precipitately by positive law; but they never denied, and scrupled not to avow, that they did look forward to a future extinction of slavery in the colonies to be accomplished by the same happy means which formerly put an end to it in England; namely, by a benign, though insensible revolution in opinions and manners, by the encouragement of particular manumissions, and the progressive melioration of the condition of the slaves, till it should slide insensibly into general freedom. They looked, in short, to an emancipation, of which not the slaves but the masters should be the willing instruments, or authors."

My lords; I too look to the future extinction of slavery in our colonies through a benign though insensible revolution in opinions and manners; and through a progressive improvement in the condition of the slaves; and I too consider that the only safe process by which the state of slavery can be converted into that of general freedom, is one by which it shall slide insensibly from the one end to the other—that it must be an emancipation of which not the masters but the slaves shall be the instruments, and the willing instruments also. I further consider, that the improvement in the condition of the slave, which is to lead the way to this happy change, must be accomplished through the medium and instrumentality of their masters.

This opinion is supported by the authority of Mr. Canning, who, when speaking as the organ of the government in 1824, (in the speech in which he stated to the House of Commons the measures adopted by the government in pursuance of their resolutions of the preceding year) thus expresses himself:—"If the condition of the slave is to be improved, that improvement must be introduced through the medium of his master. The masters are the instruments through whom, and by whom, you must act upon the slave-population; and if by any proceedings of ours we shall unhappily place between the slave and his master a barrier of insurmountable hostility, we shall at once put an end to the best chance of emancipation, or even of amendment. Instead of diffusing gradually over those dark regions a pure and salutary light, we may at once kindle a flame only to be quenched in blood."

With respect to that assistance which this benevolent, but most difficult work, must receive from legislative enactments, I find a sanction for the operation which I myself have always entertained from the first moment that I was enabled to form an opinion upon this subject, in Mr. Brougham's work upon Colonial Policy:—"Any parliament, council or senate, which should begin such a work, would find it necessary to give up legislating for the mother country, in order partly to mar and partly to neglect the legislation of the colonies. Let this branch of the imperial administration then be left to the care of those who are themselves the most immediately interested in the good order and government of those different provinces,—and whose knowledge of local circumstances (of those things which cannot be written down in reports, nor told by witnesses) is more full and practical."

Further, in confirmation of the doctrine here laid down by Mr. Brougham, of the expediency of leaving the task of legislation to the colonial assemblies, and in refutation of the favorite doctrine of the present day, which has been so much pressed upon your lordships, by the two noble lords who have just addressed you, (lord Grosvenor and lord Calthorpe) of the expediency of parliament taking the measure of emancipation into their hands, I cite the great authority of Mr. Fox.—Mr. Fox, in the year 1806,—and the moment, my Lords, is remarkable—when he was at the head of one of the strongest administrations which this country has ever seen, which at once immediately abolished the slave-trade, which not all the eloquence of Mr. Wilberforce, aided by the power and eloquence of Mr. Pitt, had been able to accomplish. Mr. Fox, in the plenitude, and with the full consciousness, of all that power, thus expresses himself on the subject of emancipating the slaves in the West-India colonies by act of parliament:—" The idea of an act of parliament to emancipate the slaves in the West Indies, without the consent and concurrent feelings of all parties concerned, both in this country and in that, would not only be mischievous in its consequences, but totally extravagant in its conception, as well as impracticable in its execution—and therefore I see no good in discussing that point."

My lords, I will quote only one authority more, but that the one which on this question is perhaps the highest authority of all—that of Mr. Wilberforce. Mr. Wilberforce, in a speech on his motion for the abolition of the slave trade in 1804, thus expresses himself:—" After the question of abolition shall be disposed of, any subsequent measures must be left with the colonial assemblies themselves, and with them it would rest, how far the condition of the slaves was capable of further improvement."

My lords, the principles and doctrines laid down (in the extracts which I have quoted) by the African Institution, by Mr. Canning, Mr. Brougham, Mr. Fox, and Mr. Wilberforce, constitute my creed on the subject of West-India slavery.

To any measures founded upon or in conformity with these principles I should feel it my duty to give my humble, but most sincere and zealous support, but in the measure of compulsory manumission, as it is termed, it is impossible for me to concur.

My lords, I deeply regret that the government have thought it right or necessary to depart from the sound principle laid down by the African Institution, of working out the extinction of slavery in our West-India colonies by the same happy means which had put an end to it in England, the only means of which history affords us any successful example, viz.—" the encouragement of particular and voluntary manumissions;" and that they should have thought fit to substitute in its place the regulation of compulsory manumission, a measure which I conceive to be unsound in its principle, mischievous in its immediate consequences, and totally inoperative as to its ultimate object."

So long as the slave looks up to his master as possessing the absolute power of granting or withholding his freedom, so long will he feel it to be his interest, with the view of accomplishing that object, to conciliate the good will of his master by his good conduct; but when you grant to him the privilege of compelling his master to manumit him, that motive will cease, and another will be substituted in its place. He will not fail to discover that the price of his manumission will be estimated in proportion to the value to his master—that in proportion as he is well behaved and industrious, and a valuable labourer or servant, in the same proportion will the price of his freedom be enhanced, and the period at which he can hope to attain it rendered more distant. He will consequently feel it to be his interest to diminish his value—to render himself as worthless to his master as he can possibly be.

On the other hand, if the master should apprehend any inconvenience from the loss of his slave (and otherwise the compulsory privilege is useless) he will feel it to be his interest to prevent his acquiring the means of purchasing his freedom, by depriving him of many of the indulgences which the slaves now enjoy, and which you cannot compel their masters to grant to them.

As a compulsory measure against the master in this respect it is utterly inefficient. You may compel him, and justly, to afford to the slave the means of subsistence and comfort, ample and abundant, equal to those which are within the reach of the free labouring population of this or any other country; but further you cannot go—you cannot compel him, in addition to such means of subsistence, to grant to his slave the further means of accumulating property sufficient to pay the price of his manumission.

At the same time by giving to the slave only a nominal and illusory privilege, professedly independent of his master, but which he cannot exercise against the will of his master, you only suggest to him an additional motive for being discontented with his condition, without affording him the means of changing it—you aggravate, instead of mitigating, the evils necessarily inherent in the relation of master and slave,—you implant in the breast of each, feelings towards the other utterly at variance and inconsistent with that reciprocal good-will absolutely essential to the moral and physical improvement of the condition of the slaves, which it is the object of all the regulations proposed by parliament to promote. For these reasons I lament, not so much on behalf of the master, as of the slave, that the government have thought it necessary to adopt this regulation, and I cannot but deprecate its enforcement.

Of all the other measures which have been suggested by the government to the colonial legislatures for their adoption, I have no hesitation in declaring now, as I have publicly declared elsewhere, that I entirely approve :—and I cannot but lament that they have not met with a more favorable reception in the colonies. On the other hand, I feel equally bound to say, that I think the indisposition of the colonies to meet the wishes of the government and of this country has been greatly exaggerated by both the noble lords, (lords Grosvenor and Althorpe) and that the measures which have been adopted by them have been misrepresented, undervalued and treated with a degree of contempt which they by no means merit.

Much has undoubtedly been done, in principle, as has been properly stated by the noble duke—many excellent regulations have also been adopted—as I could prove to your lordships by reading the enactments of the last consolidated slave-law of Jamaica, (which I hold in my hand) the act which the noble lords have referred to, and with which they have found so much fault.

But I will not trespass upon your lordships' time by going into those details.—I will content myself with calling your lordships' attention to one point, which I consider of the highest importance, and on which I can venture to assert that there exists no cause to be dissatisfied either with the disposition of the colonial assemblies to forward the views of the government by legislative enactments, or of good-will on the part of the owners of slaves to afford their individual co-operation—I mean, the moral improvement and religious instruction of the negroes.

For the correctness of this assertion I appeal to the noble lord under whose auspices the extension and reform of the church establishment of the colonies was commenced, who has received the written reports of the bishops, and subsequently had the opportunity of having the fullest personal communications with them—to him, and to the other members of his majesty's government who have had similar means of information, I confidently appeal as to the disposition of the inhabitants of the colonies on this most important point.

My lords, I attach the more importance to that disposition, because the moral improvement of both the white and black population of the colonies must be the foundation of all other improvement—because this is the necessary preliminary to all that other class of regulations which relate to civil rights and privileges—because you must first produce that revolution in morals and manners which shall prepare the slaves to receive, before you can justly or safely call upon their masters to grant, that participation in civil rights and privileges which the two Houses of parliament have declared it to be their purpose to impart to our slave-population of the colonies—because you cannot otherwise fulfil that purpose consistently with the condition which in the same resolution you have annexed to it—and to which you are not less solemnly pledged than to the fulfilment of that purpose itself, however imperative and sacred that duty may be —the condition that both the means and the period of fulfilling that purpose shall be compatible with the well-being of the slaves themselves, the safety of the colonies, and a due regard for the interests of private property.

Earl *Bathurst* said, he had great pleasure in being enabled to state, from communications he had had with the bishops of Jamaica and Barbadoes, that these prelates in their circuits through the islands, had found the planters most solicitous to promote morality and religion among their slaves. In another particular he must corroborate the statement of his noble friend. Government were pledged to the abolition of slavery, but they were equally pledged that it should be accomplished in a manner compatible with the welfare of the slaves, and the integrity of property. One of these pledges was as binding upon them as the other, and it was their duty to attempt to fulfil both.

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, June 23.

SMALL DEBTS BILL.] On the order of the day for the second reading of this bill,

Mr. Secretary *Peel* observed, that since his return to office, no subject had occupied so much of his attention as this bill. Until lately he had hoped to be able to pass the bill into a law during the present session. That hope had now vanished;—but it was satisfactory to know, that the difficulties which opposed the passing of it were not connected with the principle of the measure. He would briefly state the circumstances which induced him not to attempt to pass the bill during the present session. If the bill were to pass, it must contain a clause for affording compensation to those holders of patent offices whose interests might be affected by it.—Nothing could be more disadvantageous to the public, than those partial compensations. Bills of this nature, whilst they diminished the emoluments of some patent offices, increased those of others. Then, when the latter came to be dealt with, the public were obliged to make compensation for the increased emoluments occasioned by previous reforms. Since the bill was introduced into the House, a commission had been appointed to inquire into the practice in the superior courts of law.—It was probable that the commission would suggest some plan for dealing with the patent offices generally. At all events he was disposed to wait until he could ascertain the intentions of the commissioners on that point. He thought it would be much more advantageous to consider the claims of the holders of patent offices altogether, than to go on making compensation by instalments. It was with great regret he saw that all the pains he had bestowed on the bill would be unavailing, so far as regarded the present session; but he felt that he should be acting for the interests of the public to abandon the measure for the present.

After a short conversation, the bill was read a second time and committed for Friday.

MISAPPROPRIATION OF PUBLIC MONEY.] Mr. *M. A. Taylor* said, he rose, in pursuance of his notice, to address the House on a subject which was deeply interesting to all who had any regard to the first principles of the constitution. The jealousy of the House with respect to the issue of Public Money was proved, by the records of parliament, to have existed as long as the parliament itself; and he needed not occupy the time of the House by any argument of his to vindicate the feelings which had given rise to that jealousy. He took it to be an established principle, that the House of Commons had a right to control the expenditure of public money, come in what shape and from what quarter it might into the hands of the executive government; and he boldly asserted, that any deviation from that principle and rule of conduct was a violation of the privileges of the House, and, on the part of the government, a censurable dereliction of its duty to the public. He had now had the honour of sitting nearly forty years in the House of Commons, and he had taken up this subject from a conviction that it was his duty not to overlook one of the most flagrant and daring violations of the privileges of parliament, which had taken place since the æra of the Revolution. The statements which he was then about to make arose out of the papers which had been laid upon their table. They arose, also, out of facts which had come to his knowledge from other quarters. He believed those facts to be true, and he challenged the government to contradict them. We must all recollect the unfortunate war which had so long distracted and desolated Europe, and which had burthened England with a load of debt, which was hourly consuming its energies. It had entailed lasting misery, he was afraid, upon the country; and from that war, and from its consequences, the present motion took its rise. At the close of that unfortunate war, it was found that many of the subjects of Great Britain had strong claims on the government of France for property which had been unjustly confiscated by it during the Revolution; and by the treaty of Paris, in May, 1814, it was stipulated, that the government of France should pay a certain sum of money into the hands of commissioners, to be appointed by the government of England, for the liquidation of the claims which might be made on it by British subjects. In pursuance of that stipulation, the 59th George 3rd, c. 31, was passed, by which commissioners were appointed to liquidate the claims of British subjects against the government of France. The object of their inquiry was clearly defined to them, and he believed that the commissioners acted as commissioners ought to act. The termination of one of the clauses of the above ran in this manner :—"In case all such claims are liquidated, for such other purposes as the said commissioners of the Treasury,or any three of them, may direct, the commissioners may apply them." The meaning of this was, that the surplus, if any, after the payment of all the claims, was to be paid in such way as the commissioners, or any three of them, might direct by their warrant. It so happened, that there was an act passed in the 6th of the king,enabling theCommissioners of Woods and Forests to apportion to certain purposes named therein, certain parts of the hereditary revenues of the Crown, which, by the 4th of the king, were to be paid in future into the consolidated fund.—Now, the 6th of the king, in consequence of the preparations which were making to build a palace at Buckingham-house, ordered the commissioners of Woods and Forests to pay over 70,000*l.* a year to those who were intrusted with the superintendence of that work, and to apportion it to the buildings at Buckingham-palace alone, without paying any part of it to the consolidated fund. He believed that nearly the whole of this 70,000*l.* was expended in the first year in building stables and in laying out gardens and shrubberies for the intended palace, and that only 27,000*l.* was expended in building the palace. At the same time, he was ready to admit that, by the words of the act, whatever was placed to the account of refitting Buckingham-palace was legally entitled to be paid out of the proceeds of the hereditary revenue of the Crown. This took place in 1825, and in the commencement of the next year, arose the transaction, of which his public duty now compelled him to complain. And here he would observe, that it was his opinion, that if the deficiency of the funds assigned for the erection of the new palace had been stated to his majesty, he would have frankly stated it to his faithful Commons, and that his faithful Commons, if it had been fairly stated to them, would not have hesitated to make it good. The question, however, before the House, was not a question as to the erection of a palace, but a question distinctly apart from it. It was a question, whether the king's ministers had a right to dispose as they pleased of surplus revenue which had unexpectedly come into their hands, when parliament was sitting, and able to judge whether the issue of the money, for the purposes selected by ministers, was correct or not. Under such circumstances, he considered the measure which ministers had adopted to be a most censurable one. As parliament was sitting during the time that these issues were made, there could be no fear of any injury being occasioned by the delay which an application to Parliament might occasion. As the application might have been disposed of in a week, had ministers been inclined to make it, there could be no room for saying, that the progress of the building must be stopped, whilst the success of the application was still uncertain. Parliament ought to have been informed, that the funds assigned by the 6th of the king were insufficient for the purposes to which they were destined. Though 70,000*l.* were to be paid annually, to defray the cost of Buckingham-palace, and were to be paid out of the revenues of the Woods and Forests, he believed that there was only one year in which that sum had been paid by the commissioners of Woods and Forests and that year was 1825. It had been said, that a right hon. friend of his, who was then the chief commissioner of Woods and Forests, had found himself, at the commencement of the year 1826, in a very unpleasant situation, in consequence of having the payment of large sums on account of this new palace demanded of him, and of having nothing wherewith to make it. His right hon. friend applied to lord Liverpool respecting the unhappy failure of the revenues of the Woods and Forests. At that meeting, were present the earl of Liverpool, Mr. Canning, Lord Goderich, and the present Master of the Mint. On the statement of his right hon. friend the chief commissioner was sent for, and asked, whether out of the money which he had received from the Treasury for the liquidation of the claims of British subjects against the government of France, there did not still remain a large proportion undisposed of. He replied, "I think we have about 300,000*l.*"—"Well, then," replied the Lords of the Treasury, "we'll dispose of it." Then there was a resort to two or three expedients. The first was a determination to get into their hands as soon as possible 100,000*l.* To obtain that money, however, there must be a Treasury minute.—Now, if the papers on the table were correct, the Treasury minute was not signed till twenty days after the money was issued. This went a long way to show the object for which it was drawn up. After the money had been issued on the 10th to the commissioners of Woods and Forests, it was found necessary that there should be a Treasury minute drawn up, in order to enable the Treasury hereafter to recover the money. Now, what said the Treasury minute? "My lords, direct a warrant to be prepared, authorising the Commissioners of Arbitration, Liquidation, and Award out of the Exchequer bills in their possession, to pay over to the Commissioners of Woods and Forests the sum of 100,000*l.*, and which sum, together with the interest from the date of the bills to be delivered over, is to be repaid to them by the Commissioners of Woods when the repayment may be required." Now, if this fact had not come out by good fortune, how would the country have known any thing about it? It was in every respect a concealed loan, until the fact of its existence came out. The sum thus clandestinely disposed of was the largest sum that had ever been disposed of in the same manner by any government in England. He should be glad to know when the Treasury had received the power to grant, and when the Commissioners of Woods and Forests to accept, a loan in this manner. If it was a regular loan, when had the interest of it been paid, and to what account had it been carried? It would be a monstrous proposition for the government to say, 'As this is a surplus of money received from France, we have a right to dispose of it as we please." If five millions had been paid to the British government by the French for the purpose of satisfying the claims which our subjects had upon it, and if a surplus of 250,000*l.* remained, it ought to have been issued, not under the control of the Treasury, but of the House of Commons. What control had the House had over these grants of the Commissioners of Woods and Forests?—None whatever. The return which had been made to his motion was carefully worded. The Treasury had sent in a return which it afterwards recalled; because it was not quite good enough for the purposes it was intended to answer. The return was amended in order to show that the lords of the Treasury had no other object in issuing their warrant but the public good; and therefore they wished to show that they had issued a part of it for the relief of the starving manufacturers. They saw that it was necessary to gild the pill which they were gulling the public to swallow. But what followed. When money is borrowed of the government it is borrowed by Exchequer bills. Now those gentlemen who formed the committee for the relief of the distressed manufacturers had repaid every shilling of the money which they had borrowed of the Treasury. The money had been advanced at different times to the Commissioners of Woods and Forests. Had they paid one farthing, or were they able to do so? The first sum of 100,000*l.* was advanced to them by a Treasury warrant on the 10th of March, 1826—the further sum of 35,000*l.* on the 8th February, 1827—a further sum of 100,000*l.* on the 26th of March—and a still further sum of 15,000*l.* on the 30th of June in the same year, and all on account of the works erecting at Buckingham-palace. Here we had 250,000*l.* issued within two years as a loan to the Commissioners of Woods and Forests? When was the power to grant such a loan given to the Treasury by statute? They had no right to divert the funds which came into their hands for public purposes to such objects. But it was said, forsooth, that the advance of this sum will come into the triennial accounts given in by the Commissioners of Woods and Forests. Now those triennial accounts merely contained the receipts and disbursements of the hereditary revenues of the Crown; they had nothing to do with any adventitious funds which might be added to them from other quarters; and therefore this argument was a wretched subterfuge. He was almost ashamed to call the attention of the House to a fact so notorious as the jealousy exhibited by the House, at the granting of money by the ministers of the Crown, without the knowledge of parliament. It was necessary, however, to advert to one or two instances of it. The first was the case of sir E. Seymour. Sir E. Seymour was impeached, because he, being Treasurer of the Navy in May, 1680, did lend 90,000*l.* out of the sum of 584,000*l.* which had been voted for the support of the army, to other than the purposes for which it had been intended. Every one knew the purpose to which the money had been applied. The motion was got rid of by an amendment; but the reception of it showed that, even in those days, parliament was alive to the subject. On the 15th of May, 1711, a committee of the House of Commons was appointed to inquire into the causes of the great increase of the public debt. A series of resolutions were passed by that committee. The third resolution was so strong, that he would read it,"Resolved, that the application of any sum of unappropriated money, or surplusages of funds to uses not voted, or addressed for by parliament, is a misapplication of the public money, and a violation of the privileges of this House." This resolution was passed in 1711 by the House upon taking a view of the situation in which the country had been placed, by the misapplication of the public money. In 1796, a case somewhat similar to the present occurred. Mr. Pitt might advance the plea of urgent necessity, to justify him in the step which he then took; but it was impossible that any such plea could be advanced in the present instance. Mr. Pitt was on this occasion attacked by Mr. Fox. He might have argued in his defence, that the country was then at war, and that he did not think it would be prudent to open the concerns of the government to their enemies. But, how was the plea of necessity received by the House? It appeared, that Mr. Pitt had lent nearly 100,000*l.* and other monies to the emperor, out of funds which had been voted for other purposes; and because he did so without the knowledge or consent of parliament, a vote of censure upon his conduct was moved by Mr. Fox, and upon that motion an amendment was proposed by Mr. Bragge. When Mr. Pitt opened his budget he obtained a vote of credit for 1,500,000*l.* It afterwards turned out, that he had lent 200,000*l.* of that money to the prince of Conde. Not a word, however, had been mentioned on the subject to the House at the time; but, towards the end of 1796, the misapplication was discovered, and Mr. Fox arraigned what had been done. The city of London and the whole country became alive to the matter. Mr. Fox moved a vote of censure on the ministers. The thing had been done in the time of war, and the plea of necessity was put forward as its justification. But, would they be able to show that the appropriation of the public money in the present instance, was justifiable upon the plea of necessity? The next instance was one in which 40,000*l.* had been advanced by Mr. Pitt to Boyd and Benfield. The matter was brought before parliament, and it was moved by Mr. Fox "That the advance of 40,000*l.* for purposes other than the public purposes for which it had been voted by that House, being contrary to law, might, unless noticed by the House, be entertained as a precedent of a dangerous nature." That motion was considered in the light of a direct censure upon the ministers; and an amendment was moved to this effect, "That the advance being for the purpose of supporting a House under temporary difficulties, and whose support was connected with the financial affairs of the country, though not strictly according to law, might, under the circumstances, be justifiable." He could not wish for a more pointed introduction to his resolutions. The hon. member proceeded to observe, that lord Melville was not impeached so much for the various sums which had been misappropriated, as on account of having applied a particular sum of 10,000*l.* to purposes foreign from those for which it had been intended: and for which, when called upon he would give no account. That transaction was found out by a commission of this House; and the present instance of misappropriation had been discovered by a select committee. He trusted, that whatever should become of his motion, the commissioners of Woods and Forests would be made to refund this sum. He protested, that a case of greater grievance to the state, and one which involved a more direct violation of the privileges of that House, had, in his opinion, never occurred; and he now called upon the House to show ministers that it should never occur again, by coming to an emphatic resolution on the subject. They had to determine whether that House had a right to know what was passing as to the expenditure of the public money. This money had been misapplied by the government, in the face of an act of parliament. Perhaps it would be said, that it was an oversight; but why was it found out in the manner in which it was discovered? Why was it not stated to the House at the time; and why did not ministers ask for a bill of indemnity? The whole transaction was in direct opposition to the first principles of the British constitution. He would conclude by proposing two resolutions; one declaratory of the facts, the other a resolution copied from the Journals of the House in the year 1711. The hon. member concluded by moving, "That it appears from the papers laid upon the table of this House, that the commissioners of liquidation, arbitration, and deposit for the liquidation of the claims of British subjects, against the government of France, under the act of the 59th of George 3rd, cap. 31, did, at different times, by orders from the lords commissioners of the Treasury, pay over to the commissioners of Woods and Forests the following sums of money, that is to say 100,000*l.* on the 10th March, 1826; 35,000*l.* on the 8th February, 1827; 100,000*l.* on the 26th March 1827; 15,000*l.* on the 30th June, 1827; amounting altogether to the sum of 250,000*l.*, without any communication to this House, and without any vote or address of this House to authorize the same, though parliament was sitting at the time the said different sums were issued.

"Resolved,—That the application of any sum of unappropriated money, or surpluses of funds, to uses not voted or addressed for by parliament, is a misapplication of the public money, and a violation of the privileges of this House."

Mr. *Herries* said, the reason why he ventured to present himself so early in the debate to the attention of the House, arose from the circumstance of the peculiar office which he held at the time having rendered him conversant with the transaction to which this motion had reference. It had been stated by the hon. member, with all that gravity which showed that he attached a deep importance to the question, that a transaction of more grievance to the subject, and in more direct violation of the privileges of parliament, had not occurred since the Revolution. If the subject were indeed of that nature, a heavy responsibility would attach to one individual, who, though still alive, was no longer in a condition to vindicate himself, and whose character would be gone for ever if the charge were well founded. The charge would fall with equal weight upon another individual, whom death had removed from the scene. The charge, in fact, would attach to the late Mr. Canning, to lord Liverpool, who could not defend themselves, and to lord Goderich, who could answer for himself. But, by bringing the real state of the case before the House, he hoped to be able to show that these statesmen were not open to this charge,—a charge which, if true, amounted to nothing more nor less than that of a misapplication of the public money, in violation of the principles of the constitution. This was not a question of the violation of a statute; it was a question involving the violation of those principles of the constitution which related to the appropriation of the public money. Before he proceeded further, it might be as well to remove the impression which an argument of the hon. gentleman's, founded upon those documents respecting the transaction, was calculated to make. The hon. gentleman had been unquestionably misled by an error in one of the documents laid before the House. According to the document on their table, it would appear that the money had been issued on the 10th of March, while the warrant bore date the 30th of March. From this it would appear, that the money had been given by the commissioners previous to the issuing of the warrant; and if that were the case, the observations of the hon. member on that part of the subject, would have been quite justifiable. But the whole of this seemingly extraordinary version of the transaction was attributable to the mistake of the clerk in putting the 10th of March for the 5th of April. The letter from the Treasury to the commissioners bore date the 31st of March. The warrant was made out on the 30th, and the issue of the money, which was thereby authorized, did not take place till the 5th of April. He trusted that this explanation had removed the impression made on the House by the statements of the hon. gentleman, in reference to this part of the transaction—He would now proceed with the facts of the case. In 1825, lord Goderich, then chancellor of the Exchequer, brought in a bill for the repairing and rebuilding of the public palaces, and of Buckingham-house in particular. At tha time it was stated, that it was not possibl to give a definite account of the amount of expenditure that would be required: 250,000*l.* was the sum estimated, and a grant to that amount was passed. The grant was made out of the revenues arising from the Crown lands, which the Treasury was authorised to apply to that purpose. However, after the work had been some time in progress, it was found that these funds were inadequate to meet the expenses accruing. The various expenses incurred in the beautifying and improving of the parks, had been defrayed out of the revenues of the Crown lands, and their concurrence at this time with the expenses necessary for the erection of the palaces, pressed so heavily on these funds, that they were not sufficient for the latter purpose. It was under these circumstances that it was intimated to the lords of the Treasury, that the commissioners for liquidating the claims on France, after having made awards to all the claimants that had presented themselves, had then a sum in their hands after satisfying all the demands; and they left it to the lords of the Treasury to determine what was to be done with it. The first step of the lords of the Treasury was to take the opinion of the king's advocate. That learned individual stated it as his opinion, that the surplus, having been handed over, under the provisions of the act, to the Treasury, was at their disposal, and could be appropriated by them to whatever public purpose they considered best. The communication enclosing this opinion was made by the Secretary of State to the Treasury. It was on the receipt of that communication, that the meeting was held to which the hon. gentleman had alluded, and it was at that meeting, that the lords of the Treasury decided upon the matter, in concurrence with the Secretary of State. After all the claims had been adjudicated, the surplus of 250,000*l.* still remained at the disposal of the lords of the Treasury; which they considered themselves warranted in appropriating to public purposes. In this appropriation, Mr. Canning, lord Liverpool, and lord Goderich concurred, and shared alike the responsibility. The balance so applied was not alienated, but employed on an object by which the public service was essentially promoted. What was done was done under the authority of parliament itself. They had equal authority for possessing and for appropriating the money as it was applied. The precedents alluded to by the hon. member ought to warrant a conclusion directly opposite to that which the hon. member would have them to infer. In 1711, the committee had come to a resolution, "that the application of any sum of unappropriated money or surplusages of funds to uses not voted or addressed for by parliament, is a misapplication of the public money, and a violation of the privileges of that House." Did this precedent apply to the case before them? In all cases of supply, parliament restrains the application to specific purposes of government; but, in ways and means, money may be appropriated to any purposes sanctioned by a grant of parliament. In the case of Buckingham-house there was no restriction imposed, as a sufficient estimate of the expenses could not be made out. The amount, therefore, to which the hereditary revenues of the Crown might be applied was necessarily indefinite. The Treasury had merely anticipated the application of the funds. They anticipated what parliament granted; and following up that intention, they made application for raising the money which might not have come in time to defray the instant expenses. In 1827, the landed revenue in Ireland was borrowed for the same object. All indicated the same intention on the part of parliament; and the Treasury had acted all along on the same principle. The way in which they had managed was undoubtedly the cheapest, simplest, and most economical. It might be asked, why they had not come to parliament? To this he replied, that they could not ask parliament to grant other sums for this purpose, when money was placed already at their disposal by the authority of parliament. That authority they had distinctly received from parliament in three several ways. Could the noble persons who were so inconsiderately accused, come down to the House and ask for other funds than those which were already at their disposal? He was quite at a loss to know on what principle such a suggestion could be laid down. As he was himself a party in the execution of this act, he had risen to defend it; admitting that if any censure were to be attached to it, it would as properly fall upon himself as on any other person. He could not acknowledge the alleged violation of the constitution, where what was done was in furtherance of the express intention of parliament. He would give an emphatic denial to the truth of the hon. member's inference from the determination of the Treasury to interfere for the relief of the distressed manufacturers in 1826. In reference to this measure the hon. member had said, that the Treasury thought it necessary to "gild the pill," in order to reconcile the people of England to an extravagance so unpalateable. This implied a suspicion, that the Treasury had abused public feeling, and got up this as a cover for a culpable and dishonest prodigality. Was it to be believed that the hon. member for Midhurst could be implicated in such a conspiracy to trick the public? He should now leave the subject to others better able than he was to enter into a discussion of the constitutional point which it was supposed to involve. Satisfied that the conduct of the several governments had been strictly legal, and ministerially correct—that in every particular they had been actuated only by a sincere desire for the interest of the public, and had proceeded upon honest, upright and conscientious motives, he should oppose the motion.

Mr. *Baring* said, that, having been occupied for some time in the finance committee, he thought it right, in the absence of the hon. chairman, to put the House in possession of the real facts of the case. Although the hon. member for Durham had already so fully stated them, they had yet been so changed and turned about by the tortuous speech of the right hon. gentleman, that the House might be presumed scarcely to know the real undisguised truth on which they were to form their decision. He could not agree with the right hon. gentleman, who would have them to depart thence without deeming it their duty to take any notice whatever of the subject. In a case like this, where the character and dignity of the House were concerned, they should not assume, upon the word of any individual, that government had been guilty of no improper conduct. The right hon. gentleman appeared to follow a rather extraordinary course respecting this question, as when it was canvassed in the finance committee, he had admitted, that "it was certainly rather irregular." He also said, if his memory did not deceive him, "he wished it had been otherwise." In reply, he remembered to have himself said, that as irregularity was acknowledged, it was their duty to investigate, whether some stronger term was not applicable. He had been one of those who objected to making it a subject of examination in the committee, as he felt that, in the early part of their proceedings, it would be better to avoid all topics of a personal nature, which were likely to be agitated as matters of public scandal. He had felt the importanee of not mixing up such questions with their labours, as they might tend to embarrass and derange them.—Others had suggested, that they should make it a subject of a special report. But as the actors were out of the way, it appeared more advisable to defer the subject until they should come to the particular department to which it properly belonged; and he had even drawn up the precise form of words in which he wished it to be spoken of. It was intended to be any thing rather than a personal question. There was no desire to criminate any individuals; nor did it so affect any of the present cabinet. He did not impute to the individuals who had so misapplied this money, the intending any great violation of the constitution, but of having been guilty of great carelessness, and most decidedly, under the circumstances, with having violated the privileges of the House. This they had done; and the House could not stop on the threshold of such a discovery, and negative the performance of their highest constitutional duty. The present motion was not meant to produce any effect upon an administration; it implied no serious reflection even on the character of individuals; nevertheless it was a case which, when once brought under the view of parliament, they must be lost to every sense of their own character, if they hesitated to assert their legitimate control over the application of the public expenditure. If things like these were to be passed over unnoticed, that House must consent to pass for nothing in the public eye, and be prepared to sink into insignificance.—Now, what were the facts of this case?—The right hon. gentleman stated, what indeed was true, that 250,000*l.* had been advanced from the fund for French claims, to enable the commissioners of the land revenues, to defray an advanced expenditure for the improvement and repairs of Buckingham-house; and the application of lord Goderich in 1825, was founded upon an estimate, that 200,000*l.* would be necessary to complete these repairs and improvements. Yet, what was the fact?—That now, in 1828, the improvements were not finished. It was natural that the crown revenues should be charged with these expenses; but it was worth observing, that their application was fenced round by regulations and acts of parliament for the purpose of preventing abuse; but, in no single provision of all these was there any recognition, by a minute, by a syllable of explanatory averment, of the power exercised by the Treasury in this case, of taking the money out of the fund for French claimants. How had this Buckingham-house estimate gone on?—Parliament, in the first place, advanced 200,000*l.* upon an estimate that that sum would suffice. They, however, had made little progress in the work, when it became obvious that parliament had been deceived, and that the first grant had been made use of like a wedge, to make a lodgment for a deeper impression on the public purse, and that instead of 200,000*l.*, 500,000*l.* would not finish the building. Having embarked in this expense, the government were bound to have come before parliament, and stated how the matter stood. Instead of taking that legitimate course, they laid their hands on this money of the commissioners for French claims. Here he was quite ready to admit, that this unappropriated sum was in a state to be dealt with by the Treasury; it was originally destined to meet the claims under the French convention, and if a surplus remained, it was, he knew, at the disposal of the Treasury "for other purposes." But, he would ask, what was the meaning of parliament putting money at the disposal of the Treasury? Was it not to secure its legitimate appropriation for the public service, and under due accountability to the House of Commons? When this money was clandestinely given, parliament was sitting. Why not then have made a return of it? Why not in 1827, or before 1828, when the thing must come out before one or both of the committees of finance, or public repairs? The irregularity was in this misapplication of public money, without first obtaining legitimate consent. No mention of it had there been until the third session after the money was surreptitiously obtained.—Had it been given to the army, navy, or miscellaneous services, it would not have been half so bad as giving it into a blind fund like the Woods and Forests, which only rendered accounts once in three years. He had never been niggardly in looking at the expenses of the Royal palaces. All he meant to say was, that the people had a right to be consulted in the application of a grant of money of this nature. It was quite impossible, upon such a statement of facts, that the House could consent to be dragged through the dirt, by not taking notice of such a transaction as this. He was glad, at all events, that this motion was to be met by a positive negative; for such a course would enable those who valued their rights, and held sacred their duty, to vindicate both, by the record of their votes, when so gross an attempt was made to set aside their constitutional functions.

Mr. *Arbuthnot* said, that the hon. mover had, from an imperfect knowledge of the facts, misrepresented his part of this transaction. He remembered the matter began thus:—One morning he was with lord Liverpool and Mr. Canning, when a question was put to Mr. M'Kenzie, one of the commissioners for French claims, when that gentleman explained, that 500,000*l.* remained, and he added his conviction, that not half that amount would be wanted for the reduction of the demands on the office. It was then observed by lord Liverpool, that as the repairs of Buckingham-palace had gone on with a rapidity beyond the means at hand of meeting the disbursements, it would be better to make an advance of this surplus balance to the Woods and Forests—that it should be a temporary advance, not a permanent loan, and to be repaid when called for by the Treasury, with interest. He could not agree with the hon. gentleman who spoke last, that the lords of the Treasury had not the power of making this temporary application of the money, for they were, on the face of their appointments, justified in applying it "to other purposes." The only blame which had been thrown upon them was for a concealment of the transaction. He confessed it would have been better if the advance had been made known to parliament; but it was at the same time due to the office of Woods and Forests, to declare that their accounts were open, explicit, and correct; and his right hon. friend (Mr. Huskisson) had, he believed, once invited the hon. member for Aberdeen to examine their books and papers, and inform himself of all their transactions. Indeed, he would find other advances in their books for the public service. In consequence of the great works in Regent-street, 300,000*l.* had been borrowed from the Royal Exchange, and an equal sum from the Bank of England; 100,000*l.* had also been advanced by the Treasury out of the consolidated fund, to enable the Woods and Forests to make particular repayments. All the branches of the department were open to the public eye; and he, while in the office, had regularly kept a balance-sheet, and should next year have had to explain this very transaction, had he remained at the head of the department. With respect to the footing on which the land revenue stood, he hoped they would allow him to remark, that on the death of king William, the nett revenue of the Crown lands was under 500*l.* a year. At the commencement of the reign of George 3rd it amounted to 10,000*l.* a year; and now, after all the great public works they had executed, and the cultivation of from thirty thousand to forty thousand acres of land, for providing a good supply of timber for the navy, which had saved, since 1794, nearly one million sterling, their land revenue produced, exclusive of Ireland, 150,000*l.* a year.

Lord *Howick* said, that lord Goderich had expressly called for the original grant for Buckingham-house, "for repairs and fitment;" and when he called for 200,000*l.*, he gave a pledge, that the sum should not be exceeded by the expenditure, and yet what was the fact? Why, that 432,000*l.* had been laid out on the building, without one shilling for furniture. Had or had not that expenditure received the sanction of parliament? for that was the sole question before them. And when the right hon. gentleman referred to 1794, why did he overlook the precedent of 1796, in the memorable debates which took place upon the vote of credit. Mr. Pitt then said, "As to the vote of credit, I conceive it to be a privilege granted to his majesty's ministers to employ a given sum to any such purpose as the exigency of affairs shall require;" but he afterwards added, "Have I said, that because a vote of credit is applicable to every public service, there is no question of responsibility? Have I said there is no principle of respect, of attention, of deference to parliament?" What deference or respect had been shown to parliament in this case? They had heard, indeed, that because the 200,000*l.* first voted as a sum for the whole, had been despatched with "unexampled rapidity," it became necessary to cast away a much larger sum, without parliamentary notice. Now Mr. Pitt, with respect to the emperor's loan, had said, "The vote of credit bill of last year invests the executive government with the discretionary power of applying the sums granted in the manner that may best suit the public exigencies, and the money applied to the service of the emperor is within the amount of the grant." But Mr. Pitt had added, "I do not mean to say that the discretion thus vested is absolute and independent of the control of parliament, or that the minister who exercises it in an improper manner is exempted from censure." He goes on to say, "I will admit that if, at the time of using a vote of credit, ministers foresee any expenditure which appears likely to be of consequence, either with respect to its amount or the importance or peculiarity of the subject, if it admits of a precise estimate, and if the subject is of such a nature that it can be divulged without injury to the public, I should readily admit, that the minister would fail in his duty to parliament, that he would not act according to the sound principles of the constitution, if he were not to state the nature of the emergency, and endeavour to estimate the expense; but if, from the nature of the expense, it should be impolitic to divulge it, in that case I conceive the minister to be justified who conceals it from parliament till a future season." Such was the language of Mr. Pitt. What inconvenience could have followed the disclosure of this expenditure, on the present occasion? Had there not been resolutions after resolutions by that House, directing that no public work should be carried on without a proper estimate being laid before them? What greater censure could be pronounced on the late transaction, than that which was conveyed in these declarations of Mr. Pitt? On the whole, he implored parliament to exercise their functions as became them on such an occasion.

Mr. *Huskisson* said, that the present question had been brought forward most irregularly. His hon. friend who had introduced it had, with his usual talent for detail, ransacked every source of information, and brought every thing, both from the records of the House and elsewhere, that could in any way assist his views, or be analogous to the case which he supposed he had made out. With respect to the case of Mr. Seymour, it was not at all in point. Parliament, in that instance, had granted a certain sum of money for the use of the navy, and it was ultimately applied to another department of the state. Then came the case in 1711, which was equally foreign to the present inquiry. But even if it were otherwise, these sums were all voted by parliament, while the fund, which was now the subject of debate, was not created by parliament, nor had it ever been in his majesty's Exchequer. It arose, he contended, out of one of those casual funds, of the same nature as droits, which were created from time to time, and over which the House could exercise no direct control. If it had not been for the act of the late king assuming that all the claims upon this ground were satisfied, the surplus would be precisely of the same character as droits; and had the Crown applied the fund in question as droits, ministers would not now be accountable for it. He repeated, that if the act of the 59th of the late king had not passed at all, every objection, both legal and constitutional, and also every claim upon the fund, would have been satisfied. All that would be necessary would be, for the ministers of the Crown to lay upon the table of the House an account of the manner in which the fund had been applied. He contended that there had been no misappropriation of money in the present instance, and he would willingly try the question on its merits, and let it be judged either by politicians or lawyers, or by that which perhaps would be found as good a criterion as either, by the common sense of the public, whether this sum was not in the light of droits. He contended, that the act of the 59th of the late king gave no direction for laying a statement before parliament of the manner in which funds which were raised and applied in the manner of this fund, had been appropriated. As the case stood, however, he had this to say, that no departure had been made from the strict letter of the law. With respect to another objection, that the residue of this money had not been applied to the purpose for which it was originally intended, had the omission in the act of parliament not occurred, no objection of this nature could have been taken. At the beginning of the seven years' war, orders were given to the king's ships, that all French vessels should be seized and brought into British ports as prisoners of war. Accordingly, the order being fulfilled, all those vessels were sold, and the profits applied to the Crown. Now, what was done with this money? Why, it was lent every year to one or other of the services connected with the state, and it was again repaid by them. At the end of the war what became of this money? It happened that France, owing to her peculiar situation with reference to this country, called upon us to repay it, and we did so. This, he conceived, was a case perfectly analogous; yet hon. gentlemen would make the House believe that the fund, which was the subject of the present debate, was still liable to any claims that might be made upon it. He contended, that it could not now be applied to any public purpose. The whole sum and substance of the matter resolved itself into this, that the money in question was a loan, and as such it was impossible that it could be accounted for as if it were a grant of parliament. It appeared that, in 1825, the House granted a sum of money for repairs and improvements at Buckingham-house. Those repairs and improvements went on more rapidly than it was at first expected, and there being a fund dormant, which was perfectly within the power of the Crown to appropriate, his majesty's ministers, seeing that the parliamentary grant was insufficient, thought fit to apply to this dormant fund by way of a loan, for the purpose of carrying on the building. This was the simple statement of the case, and he begged the House to bear in mind, that this fund was not originally voted by parliament, but was solely under the control and at the disposal of the Crown, and until its final disposal the Crown might lend it.—But there were other cases as much in point. Every gentleman was aware of the erection of the new Mews at Pimlico for his majesty's stabling. Now, the fund by means of which that building was erected arose from a loan from the droits. He could state other instances equally applicable; but he considered it unnecessary to do so. Taking this view of the question, he was led to believe that his right hon. friend (Mr. Herries) had, through inadvertence, put a negative upon the first resolution. He would not directly oppose that first motion, but the second, he was prepared, with his right hon. friend, to negative; and with respect to the first, he should vote for the previous question.

Mr. *Stanley* said, that notwithstanding the ingenious and cautious speech of his right hon. friend, he should not be doing his duty if he did not say, that he considered the whole conduct of ministers, with respect to this transaction, as mean, shuffling, and underhanded. If he objected to the misappropriation of the fund in question, it was not from any want of respect to the distinguished individuals concerned in it. He regretted, indeed, that the right hon. gentleman (Mr. Herries) had thought it necessary for his case, to bring forward their names; appealing, as it were, to their immediate friends to deal lightly with the present charge, in consideration of the part which they had taken in it. Up to the present moment, no account had been laid before parliament of the sums expended in the erection of Buckingham-palace. It appeared, however, that the whole amount expended by the Woods and Forests upon that building, was only 27,000*l.*; and yet the ground for the application of the large sum which was now the subject of inquiry was the extraordinary pressure on the Woods and Forests. Yet the Woods and Forests were in the avowed receipt of 70,000*l.* per annum. Now, as to the application of the fund. One right hon. gentleman called it an appropriation, another called it a loan, and a third a droit of the Crown; but, whatever name it was to be known by, no account had been laid before parliament with regard to its appropriation. His right hon. friend said, that there was no mention in the act of parliament, as to the disposal of this fund. There certainly was not; but it ought not, at all events, be left to the disposal of the lords of the Treasury; or if so, it would surely be a disgrace to them, that ministers of the Crown should be so shackled and tied down. As honest men and upright ministers, they ought to be enabled to render an account, without the intervention of an act of parliament. No man, let his political feelings be what they might, could lay his hand upon his heart and say, that this was not a misappropriation of the public money. If it was to be considered merely in the light of a loan, where were the words in the act, that empowered the Woods and Forests to borrow? And where, again, was the clause that empowered them to lend money which they so borrowed? It was a proceeding utterly unconstitutional, and inconsistent with the practice of parliament. It was scarcely going too far to say, that the defence was disingenuous, shuffling, and underhanded.

Mr. Secretary *Peel* wished, laying aside all technicalities, to come to the inquiry, whether the transaction alluded to was an abuse of such a nature as to call for the public censure of two individuals, who were no longer in a condition to defend themselves; and he believed that upon such an inquiry, so conducted, their conduct would appear to be perfectly innocent in granting the warrants for the application of the money, which they never thought could involve them in any charge of illegal or unconstitutional conduct. He could undertake to show, that the course which they had adopted was warranted by act of parliament, and that if any blame attached to them, it also attached to that House. The main question was, whether they had a legal power to do as they had done, or whether, having that power, it was still, though legal, so unconstitutional in its nature and bearing, as to require to be marked by the displeasure of that House. He could not disconnect that transaction from the period of the treaty of Paris, and he only wished that those who opposed the measure so much, would refer to the debates of 1816. There they would find that, in consequence of the triumphant issue of the war, this country had become possessed of three different sums of money from France. The first was 700,000*l.* in the nature of booty; the second was a still larger sum, to indemnify this country for the expenses of the war; and the third was money granted for nearly the same purpose. Yet, out of these sums, money was applied to pay the army in France, without any act of parliament to justify the application. The first sum, it was true, had been considered in the nature of booty, and upon that ground the application was defended. The second sum, which amounted to one million, was appropriated to reward the British army. How, then, could he, with these facts before his eyes, agree to the resolution of the hon. gentleman, which declared such acts to be not only illegal, but contrary to the practice of parliament? In the debates which had taken place at that period, the eminent member for Knaresborough had moved a resolution, stating that the application of such sums had a tendency to impair the rights of that House. The attention of the House had thus been called to the subject, but how was the motion disposed of? The previous question was moved upon it, and carried without a division. Was it fair, after that, for the House to turn round upon its own decision and say, that there was enough in the present case to justify them in passing a vote of censure? He would show, that the Crown had not applied the money without the consent of parliament. The third fund was, he would admit, of a special description: it was to liquidate the claims incurred by the losses of individuals. But, before they consented to pass a censure upon the two individuals to whom he had alluded, and upon a noble lord since called to the other House, he would ask them well to weigh the terms of the act of parliament. Comparing the money to which the question referred with the other funds derived from France, he believed, in his conscience, that it was intended to be left at the disposal of the Treasury. The disposal of a sum of 400,000*l.* obtained from the East India Company was conducted in the same spirit. It was ordered to be paid into the Exchequer, in order to be disposed of by parliament. Was not this distinction, then, plainly admitted by this act? And was it not possible, that honest and well-intentioned ministers might think of applying the money in question, without considering that they had committed themselves in any unconstitutional proceeding? Never, until a doubt could be entertained as to the purity of their motives, would he become a party to any measure which would fix a stigma upon their names. He would admit that, if the transaction were to be done over again, it would be worth the while of parliament to see that it should not be repeated. But, while he admitted that, could he agree to such a resolution as the present, without any consideration of the motives of the men, without any reference to their characters, and without any allowance for the hurry of business and the perplexity of state affairs? He had no objection, far from it, to take a security for the future. But the real question was, what was the motive, what the intention, upon which they had acted? They knew that a triennial report of the Woods and Forests would be made, and that, in that report, the application of the sum would appear. He had no objection that the triennial report should be changed to a yearly report. It would give a security against the appropriation of any sums without the knowledge of parliament. But, while he might be inclined to be of that opinion, was he, if in the finance committee he had admitted that the transaction was inadvertent or negligent, when he came within the walls of that House to be reminded of that admission, and to be told, that he was therefore bound to vote for the censure proposed by the hon. gentleman? He would not, under such circumstances, concur in a censure on men removed from all connection with public affairs, and who could not explain the motives by which they had been actuated. He was quite ready to allow, if an imperative duty called upon the House to visit any public conduct with censure, that then no consideration of the death of one party, or of the calamity which afflicted the other, ought to interfere with the rigid performance of that duty. The death of the one, or the affliction of the other, would not, in such a case, be the shield with which he should seek to defend them. What he maintained was, that the present was not a case for censure. But even if he were of a contrary opinion, he never should perform any public duty with feelings of so much pain, as those with which he should censure a lamented individual, whose principles and talents had been so unequivocally recognised in that very session, or approach with any other feeling than deep respect—he had almost said the memory of a noble lord, who, in the event of a rigid sense of public duty demanding a parliamentary censure on his conduct, might, at a moment when his calamity pressed upon him with less urgency, wake to the consciousness, that the only notice which that House had taken of his long course of eminent public services was to censure him, because, having erroneously read the 31st chapter of the 59th Geo. 3, he had applied 250,000*l.* to a public service, under that erroneous interpretation. He repeated, that he should never perform any public duty so reluctantly as to agree to such a censure on lord Liverpool, if that were to be the only notice which the House of Commons were to take of that noble lord's public conduct.

Lord *John Russell* complained, that the right hon. gentleman had attempted to enlist the feelings of the House in favour of distinguished individuals, to the neglect of those higher and more solemn duties which they owed the constitution. But it was because those ministers were respected, that they should not allow a precedent to slip in, under their names, which was injurious to the rights of the people. With respect to the defence set up for that appriation, by a reference to the disposal of the sums received from France, it was stated in the act, that the sum was at the disposal of the lords of the Treasury. The right hon. member for Liverpool had attempted to take advantage of another feeling, by stating that they ought to provide a palace, and support the dignity of the Crown. If that were the question, he should be as willing as any man to give it his support; but when they saw such sums applied to the building of palaces without an act of parliament, it was time they should look about them, and appeal to the House of Commons to vindicate their own character in the eyes of the public.

Mr. *Brougham* said, that although the subject had been already discussed in such a manner as to exhaust every topic of argument, he could not allow it to go to a division, without offering a few words to the House. And here, at the outset, he could not avoid joining his noble friend in his complaint, that an attempt had been made to take advantage of their feelings, by the introduction of topics partly of a private, partly of a political, and partly of a constitutional nature. There could be no doubt but that the tendency, if not the desire, with which these topics were introduced, was to prevent the members of that House from performing the paramount duty which they owed to the people. He was unwilling to utter any expression which could be interpreted into a censure of one whose loss he greatly deplored. As much did he feel unwilling to censure a noble lord, who was prevented by calamity from defending his own conduct; or another noble lord who was alive but called to another place, and whose policy for the last four or five years had his decided approbation. The right hon. gentleman had talked of the slips and inadvertencies of public men, but they were slips and inadvertencies through which the public had become losers. Should it be considered as a loan? He was afraid it partook more of the nature of a gift. He did not approve of all the words of his hon. friend's motion; but so far as they went to denounce the application of the money, they had his entire concurrence. The right hon. gentleman who spoke last, had carried their attention to the sum of 700,000*l.* which was of the nature of a booty. The next, which was a larger sum, was of the same nature also. But whether or not, they were of the nature of droits, and he would take it on the right hon. gentleman's own case, that parliament had not interfered with them at all. They had another case, however, with an act of parliament attached, declaring that it should be employed for public purposes, and at the discretion of parliament. But, was it because parliament had thought proper to legislate in one case, that ministers should make the application themselves, without any act to countenance their proceeding? Those to whom public money was intrusted for specific purposes were placed in the situation of trustees for the public: they were bound to account to the country for the way in which that money was expended: they were bound, when an appropriation of that money was contemplated, to bring it at once before parliament, by way of estimate. The right hon. member for Liverpool had treated the money which had been thus appropriated as a droit; but if it were a droit, an account of its appropriation must be laid before parliament. Now, with respect to these droits, it had been found necessary to have an act of parliament passed to compel the ministers of the Crown to lay before parliament an account of the appropriation of these funds; and it was just because this money was not a droit, that the act contained no words that had any reference to property so acquired. In point of fact, it was a public fund, placed under the control of particular officers, and parliament had an undoubted right to be made acquainted with the manner in which it was applied. —But it was said, that no mischief had arisen, or could arise, from the appropriation of money in this way. Could any man suppose, that when, in addition to 70,000*l.* the revenue of the Woods and Forests in one year, a sum of 250,000*l.* was ready to be appropriated, such facilities had not the effect of creating a much more lavish expenditure of money than could, under other circumstances, have been resorted to? Enough appeared, in the course of this transaction, to give rise to the most pregnant suspicion, that money had been lavishly squandered, which would not have been so employed, had it not been for the application of those funds which were at the disposal of the Treasury; funds, which ought to have been accounted for to parliament, instead of being dissipated in this extravagant manner. He did not mean to say, that the course which had been taken was adopted for the purpose of concealment; but when they found that the circumstance was not discovered for two years after, and that accidentally by the Finance Committee, they had a right to believe that there existed no intention amongst the parties, to bring the subject before parliament. There might or there might not have been concealment; but, could any one thing tend, more than another, to induce the people to believe that concealment was intended, than meeting with a direct negative the resolution of his hon. friend. That it was a violation of the privileges of that House, and of the constitution, he decidedly believed.

After a short reply, the House divided. For the Motion 102; For the previous Question 181; Majority against Mr. M. A. Taylor's motion 79.

HOUSE OF COMMONS.

Tuesday, June 24.

Emigration.] Mr. *Wilmot Horton* said, he rose pursuant to notice, to submit to the House a motion, connected with the subject of Emigration. His resolution was :—" That this House will, early in the next session of parliament, take into consideration the expediency of adopting such measures, whether of Emigration upon an extended scale, or otherwise, as may appear to be most calculated to relieve the pauperism of Ireland, and to prevent the injurious effects arising therefrom upon the condition of the labouring classes of this country." Now his first duty was, to prove that a pauper-population did exist in Ireland, and that this country was called upon, by selfish motives, not to mention any other, to remove the injurious consequences which that population must produce upon the community at large. Now, he would establish the fact of the existence of extensive pauperism in Ireland, upon the evidence of Dr. Doyle, the catholic bishop, and of the bishop of Limerick. The bishop of Limerick was examined before the emigration committee, in 1826, and on being interrogated as to the existing state of pauperism in Ireland, his lordship said, that the existing state of things in that respect in Ireland was truly frightful: that the under-tenants, of perhaps under-tenants, on being dispossessed of their wretched holdings, usually went to other districts, hitherto undisturbed, and there, meeting with friends, fellow-factionaries, they would return in the night and wreak their vengeance in blood. Thus the whole country was set in a flame. The right rev. prelate then mentioned an instance of a tenant who had been dispossessed of his holding, and who, having collected his friends from the surrounding districts, proceeded to avenge himself in the manner usually practised on these occasions. The spilling of blood was the consequence, and that was followed by prosecutions, convictions, and executions. It might be said, that this evidence was given in 1826, and that it therefore did not apply to the state of things in 1828. To obviate that objection, he had written to the right rev. prelate, to ascertain whether any circumstances had since occurred to induce him to qualify his evidence, and he had received the following reply—" I have read over attentively the evidence which I gave before the emigration committee, and were I called upon again to give testimony on the same subject, I should not feel myself called upon to qualify, or understate, that portion of it relating to the pauperism existing in Ireland, which has not been diminished, however it may have been aggravated, by any thing which has occurred within the last two years." Such was the testimony of a protestant bishop on the subject. He would now refer to the testimony of Dr. Doyle. [Here the hon. member read an extract from the evidence given by Dr. Doyle in 1825, before the committee on the state of Ireland, in which he stated, that the condition of the peasant of that country was little better than that of the American savage. He lay on the floor of his wretched home, motionless, during the day ; he would rise, perhaps, to eat a few potatoes, and again lay himself upon the floor, and thus remain throughout the night. In this manner the unfortunate peasant dragged out a miserable existence, which were better terminated in any way than continued in this manner.] He believed that he was now amply justified in calling the attention of the House to the state of Ireland, and that the necessity of taking that subject into consideration would not be denied.—In entering upon this subject, he could not but express his regret, that the House had latterly evinced such an indisposition to consider a state of society, which was pressing upon the community at large, both in England and in Ireland. It seemed to be the prevailing opinion in the House, that this state of things should be left to accident to right itself, instead of having recourse to inquiry, and the application of a remedy. In the total absence of support in that House, it was satisfactory to him to know, that there were those out of doors by whom the subject had been taken up; and authorities, too, who exercised a great influence on public opinion. Upon this particular subject of emigration there was a most extraordinary coincidence of opinion amongst those who differed, perhaps, upon every other subject that related to the general policy of this country. He would read, in the first instance, to the House, an extract from an article upon emigration, which appeared in the "Quarterly Review," and which, he believed, was from the pen of Dr. Southey. The hon. member here read the extract in question, which, after referring to the report of the emigration committee, and the statements respecting the pauperism existing in Ireland, concluded by stating, that, unless something in the way of emigration were applied as a remedy to the evil, the influx of Irish poor into England would reduce the English labourer to the wretched condition of the Irish—a condition lower and more miserable than that in which any human beings existed in any other civilized country on the face of the globe. He would also read an extract from the "Edinburgh Review" upon the subject of Emigration, in which the writer, after eulogizing the Irish subletting-act, stated, that it would be quite ineffective unless the government interfered to prevent the continued supply of a redundant population on the estates of the Irish landlords. In conclusion, the reviewer strongly recommended emigration upon a large and extended scale, as the only means by which the evils to be apprehended from the continued increase of the pauper population of Ireland could be averted.—The hon. member said, he would now advert to the "Westminster Review," which embodied the opinions of a class of persons quite distinct from those represented by the two former publications. The writer stated, that the question was—whether they would allow the influx of Irish labourers into this country, until the condition of the peasantry of both countries had been reduced to the same level, and the well-fed population of England supplanted by the potatoe-fed population of Ireland. The writer, in conclusion, recommended the adoption of a system of emigration. He felt gratified at finding such authorities upon his side. He remembered the tirade of abuse which had been poured forth against the principle of emigration, by a publication of high authority with some of the members of that House—he meant "Blackwood's Magazine." That publication had been often quoted to him to prove, that every man of common sense ridiculed the project of emigration as impracticable. Now he could produce a defence of the emigration plan from a late number of that publication. Here the right hon. gentleman read an extract from an article in that Magazine, in which the existence of a redundant population, particularly in Ireland, was noticed, and the question asked, Why was not emigration from Ireland thought of as a remedy for the evil? "We must say," observed the writer, "that Mr. Wilmot Horton has been shamefully dealt with on this subject by his friends, official and unofficial." The right hon. gentleman produced a table exhibiting the increase of the Irish poor in London since the year 1825. In that year 1,990 poor Irish families received assistance from the Mendicity Society: in 1826 the number amounted to 2,994: and in 1827 it had increased to 4,780. As the evidence given before the Emigration Committee, and the report which that committee had made to parliament, had not been at all acted upon, it appeared to him not at all advisable to bring forward the subject by moving again for the appointment of a committee, which would be attended with great expense; and it was for that reason that he felt it his duty to introduce the subject in this manner before the House, in order to induce it to give its attention to the practical question early in the ensuing session of parliament. He regretted much that he did not see the Secretary for the Home Department in his place. His presence might show that this project was not a mere whim, but that it received encouragement from one who possessed the power of putting it into execution. His right hon. friend had been mainly instrumental in sending out an individual some time since to Nova Scotia, to ascertain what facts could be collected on the subject, and his right hon. friend stated, that the object of the mission was to see how far a practical plan of emigration could be carried into execution by the government. His right hon. friend added, that for himself he was of opinion, that a rational system of emigration would tend to relieve the country, by affording a facility to the unemployed population of the country to better their condition. It was highly satisfactory to him to find such opinions expressed by his right hon. friend. Emigration came recommended as a system of economy. The support of the redundant population at home cost more than their transportation to the colonies would amount to. The expense, in fact, attendant upon their emigration would be less than that incurred in endeavouring to force employment for them in these countries. It appeared to him, that the question was settled between the two measures as far as regarded expense. He felt it his duty to call the attention of the House to the indisposition manifested on its part during the present session, in respect to emigration as a remedy for the evils of Ireland. He had, indeed, received communications from Ireland, stating that the Catholic Association had put the stamp of their reprobation on the plan of emigration, and that therefore it could not be thought of. There was, in fact, a petition on this subject on the tables of the House. The petition denied that Ireland was over-peopled, and attributed its poverty and wretchedness solely to misgovernment. It stated, that a million of persons might be equally reduced to poverty in such a country by such treatment, but that their misery would not prove that the country was over-peopled; that the exports of Ireland principally consisted of those productions which constituted the prime necessaries of human life, such as corn, butter, bacon, beef, mutton, &c., to the amount of 8,000,000*l.* annually, and that a country with such exports could not be considered as over-populous. He would not pay such a bad compliment to the writer of that petition as to suppose that he was sincere when he penned such a passage as that, and that he really believed, because the produce of Ireland reached a high value, and was therefore sold in this country, that Ireland was not afflicted with a redundant population. He believed, if the English system of poor laws were established in Ireland, that the whole rental of certain parts of that country would be completely absorbed by it. He wished to hear from those who refused to look at emigration as a remedy for the evil which was acknowledged to exist, what they themselves were prepared to propose. When he heard reductions in the army and navy spoken of as calculated to afford relief to the labouring classes, he was not afraid to assert, that the effect of those measures of retrenchment, by glutting the market with labour, would be to increase rather than to diminish the sufferings of the labouring classes. Some individuals contended that the vacuum caused by emigration would have a tendency to increase the population. That an increase would take place could not be denied; but the increase was likely to be in a greater ratio where the people were in a state of wretchedness, than where they were in a state of comparative comfort and enjoying advantages which operated as a check upon marriage. It had been said by an hon. friend, that the remedy for the unfortunate condition of Ireland was to be found in extending encouragement to her manufactures and agriculture. That he considered to be a perfectly false doctrine. What was the stimulus to be applied? Was it intended to give the manufactures of Ireland an advantage over those of this country? He could put no other construction on the proposition; for how could manufactures in Ireland be encouraged, but by the application of a bonus; and how could that fail to be prejudicial to the manufacturing interests of this country? With respect to the agriculture of Ireland it already had the command of the English market. It was said, that the mode of agriculture in Ireland might be improved; but that could only be done by the substitution of mechanical for manual labour; and that would aggravate the existing evil. In many instances five Irish labourers would not do the work which could be performed by three Englishmen. This was owing to the bad implements used by the farmer. Improve those implements, and a greater amount of produce would be obtained by a less amount of labour; and thus all the evils of a superabundant population would be aggravated. It was the unfortunate condition of a deranged state of society, that the sound principles of political economy could not be applied to it without producing injury instead of advantage. An hon. friend of his had said, that he would render a family, consisting of five persons, happy and comfortable in Ireland, at one-fourth of the expense which it would cost to remove them to Canada. He would assert, that the fact was just the other way. If it were true that the employment of capital in Ireland would be productive of so much advantage, how happened it that individuals did not so employ it? The right hon. gentleman then proceeded to advert to the erroneous notions which had, until a late period, prevailed with respect to population; and read an extract from a pamphlet by the late Arthur Young, in which the writer stated, that the labouring classes constituted the real strength of the country, and lamented that parish authorities imposed checks upon their marriages and attempts to procure settlements. Those were the opinions which were current in the country only the other day. The idea then was, that it was impossible to encourage population too much, because a numerous people constituted the wealth of the state. That proposition was, in the abstract, very true; but it was as possible to have too large a population, as it was to have too much blood in the human body, although that blood was the principle of vitality. No person could disapprove more than he did of that irregular kind of emigration, by which large numbers of persons were cast upon the colonies, without the means of employing themselves advantageously. The chief object of the Emigration Committee had been to point out the superior advantage of a regular plan of emigration. With such a plan it would be incomparably more economical to remove the superabundant population, than to improve their condition in Ireland. He would say, that there were five hundred thousand unemployed labourers in Ireland. They could not be supported for less than 4*l.* per annum, which would amount to 2,000,000*l.* He would undertake to remove them to Canada at one-fourth part of that expense. But it was said, that the expense of maintaining those labourers fell upon individuals, whilst the expense of their removal would fall upon the public. Persons must look very superficially at the subject who did not perceive, that though the expense of maintaining unemployed labourers fell on individuals, it was an injury to the state at large. To satisfy the House of the advantage which would attend emigration on an extensive scale, he requested attention to the evidence given by Mr. Felton before the committee. That gentleman was asked, "Could any inconvenience, in your opinion, arise, or would any uncertainty of success be involved in the case of any number of emigrants planted and located according to the system adopted in the emigration of 1823 and 1825?" Mr. Felton's answer was, "None whatever. I conceive that the facilities of planting emigrants will increase with their numbers, and that in carrying on the operation in future the expenses will be very much diminished. As to the extent of the success, I believe that the more numerous the establishment, the greater chance there is of ultimate success." When he was Under Secretary for the Colonial Department, he had received from a most respectable firm, a proposal to take from the settlers in Canada payments in kind for the money expended by government in their transportation and location, and to pay a fair price for it. He now begged leave to read the following passage from the evidence of Mr. Malthus:—"Have you formed any opinion as to what would be the practical effects of introducing a system of Poor-laws into a country circumstanced like Ireland?—I should think that the rates would very soon absorb the rentals of all the estates." "Do you think that, on the whole, it would have a tendency to alleviate or to increase the misery that now prevails there?—I think on the whole, and finally, it would aggravate it." "Do not you conceive, under the existing feature of comparison between the British islands, that if the population of any district in Great Britain were to be materially reduced by a system of emigration, one effect would be, that the vacuum would be immediately filled up with an increased number of Irish?—I should think so, certainly." "Supposing that by any system of emigration an immediate reduction of the population of Ireland to the extent of half a million could be effected, do you not think that there is, in the existing order of things, in that country, a tendency immediately to fill up that vacuum?—There is always a natural tendency towards the filling up of a vacuum; but if the landlords in Ireland were making a change in the management of their estates, and were altering the distribution of their land, I think it is possible, that the vacuum might not be filled up; because those miserable hovels that had been deserted might be pulled down and not be replaced."—It had been argued, that the effect of emigration would be, to induce the colonies to throw off their allegiance, in order to prevent the repayment of the money which had been advanced by government. Was not this country every year paying contributions to the colonies, for the support of their military establishments? All that he had ever proposed, then, was, that the repayments made by emigrants should be applied to that purpose. That, he conceived, would obviate the objection to which he had just alluded.—He would conclude with expressing a hope, that the House would see the necessity of appointing a board which would give to individuals desirous of emigrating all necessary information on the subject. He trusted, likewise, that in the interval between this and the next session, government would consider whether anything practical could be resolved upon. He would now move, "That this House will, early in the next session of parliament, take into consideration the expediency of adopting such measures, whether of Emigration upon an extended scale, or otherwise, as may appear to be most calculated to relieve the pauperism of Ireland, and to prevent the injurious effects arising therefrom upon the condition of the labouring classes in this country."

Mr. *James Grattan* observed, that the right hon. gentleman was anxious that the Irish landlord should contribute towards the support and improvement of the poor. He fully concurred in this opinion: let the landlord but commence an improvement—let the tenant but follow his example—and the system of emigration now proposed by the right hon. gentleman would be found unnecessary. The question of emigration had been so often discussed in that House, that he did not feel warranted to enter into details upon it. There was hardly a gentleman in Ireland who did not yearly lose a number of persons off his land in this way. This was all well enough; but the right hon. gentleman was anxious to introduce an organized system of emigration—the very thing which he was anxious to avoid. Much might be effected by the Irish landlords in ameliorating and improving the condition of the people, but he much feared that the plan of the right hon. gentleman could not be realised. It was, he repeated, his conviction, that much in the adjustment of a remedy, depended on the Irish landlords themselves. If they once would be induced to do something to ensure the comforts of their tenantry, some good result might follow; but if expectations were held out, that a plan was maturing to relieve the landowners from the consequences of the rapid growth of population, no hope could be entertained of any projects of improvement being set on foot by the landed gentry themselves. Such a project must operate as a bar to the prosperity and comfort of the lower classes. The plan of emigration on a grand scale would not fail to be adopted, and these persons would determine that lambs, sheep, and cattle were much more desirable tenants, and much more profitable too, than the cottagers who now encumbered their estates. The right hon. gentleman wanted an organized system of emigration. To this he was opposed. Let even the Poor-laws be generally introduced in preference to such an expedient. Could we export that which was so essential to a country, without weakening its energies? If proper means were taken, there would not be a man too many in Ireland. While in that country there were three millions of acres of reclaimable land, it was too much to be told that there was a superabundant population. The true way to benefit Ireland was, to compel the landlords to improve the condition of the tenantry. His wish, therefore, was, not for an organised, but a casual emigration; for he felt convinced, that in no country was a system of organised emigration less desirable than in Ireland.

Mr. *Spring Rice* said, that if the subjects of the present motion were, unhappily, by circumstances degraded, it had been acknowledged that that degradation was not a degradation of character, but of condition. They were on all hands allowed to be laborious, moral, and honest. He would never consent to any arrangement, which should limit the free intercourse between the two countries. All attempts to introduce the Poor-laws into Ireland would be found to be futile. To talk of forcing one class of persons to provide for the well-being of another, in a country divided as Ireland was now, was an absolute delusion. He thought that a judicious plan of emigration followed up, would, instead of being a bar, prove an incentive to improvement on the part of Irish landowners, who now felt their efforts to improve their estates borne down by the weight of a superabundant population of cottagers upon them. It was said, that it would be unfair to impose a tax on this country to encourage emigration, and benefit the Irish landowners, who would contribute nothing to the project. Now, he was of opinion that tenants and landlords would contribute to this great object. Indeed, he believed they would pay all the expenses, if government would only provide them with facilities. He asked no mortgages of public property, no grants of land in Canada, to carry the project of emigration into execution He only asked that government would present to parliament next session, such a project for encouraging emigration as would ensure the cordial co-operation of landowners and tenants, and induce them jointly to bear the expense of the project.

Colonel *Trench* thought, that emigration might be applied to Ireland in its present state, as blood-letting was to plethoric patients; but not upon any systematic plan, the effect of which would be to tempt the very cream and essence of the population to leave the country. He alluded to the industrious and enterprising class, who possessed small capital. He was far from imputing to the landlords of Ireland a want of feeling; but he would say that they were deeply responsible for the miseries of Ireland. He concurred in opinion with lady Glengall, that they were so accustomed to the sight of wretchedness, that the best-natured among them had ceased to regard it with that disgust which it was naturally calculated to produce. But while he opposed the application of any fund to the encouragement of emigration, he thought that one fourth of the money might be beneficially employed in encouraging industry at home. If he were asked, what, in his opinion, parliament ought to do for Ireland, he would say, let England, instead of locking to Poland and Canada for supplies of corn, encourage agriculture in Ireland, by securing to her a fair price for that commodity. Encouragement would produce industry; industry would produce tranquillity; and that quick intelligent people would soon acquire all the advantages of civilization. A systematic plan of emigration would increase instead of checking the evil of redundancy, and make the nation, in a still stronger degree than before, manufacturers of men for exportation. If small loans were given to encourage small enterprises, the best efforts might be expected to follow.

Mr. *Maurice Fitzgerald* said, that his right hon. friend had been hardly dealt with. The hon. member for Wicklow had sneered at him, as if he were the author of a new scheme. But emigration was assuredly no new scheme. It had been going on, in all countries, greatly to their benefit, and especially in Scotland and Ireland. His hon. friends were mistaken in supposing, that it was meant to encourage the emigration of persons of small capital. On the contrary, it was intended to give them every inducement to remain, by carrying off the pauper-population. It appeared, from the reports, that twenty-five thousand persons emigrated annually. These persons were the small capitalists; and it was impossible to put a stop to their emigration, except by supporting another system of emigration out of a distinct fund, which would keep down the pauper-population of those countries. Many Quakers had lately emigrated from the north of Ireland. They were of that valuable class of small and industrious capitalists; who had been actually squeezed out by the surplus portion to which he had alluded. His right hon. friend's proposition was not intended to aggravate that evil, but to remedy it. Nothing could be more unjust than to charge on the landlords of Ireland the state of the pauper-population. If his right hon. friend could shape his proposition into a practical measure, the landlords of Ireland would be most willing to assist in carrying it into effect. It was not intended as a system of compulsory transportation; but as a means of carrying into effect the natural tendency of a redundant population to emigrate. His hon. friends preferred a casual to a systematic emigration; but, did they know the obstacles which opposed a casual emigration? did they know the laws which had been passed in the United States to prevent it? He thought that government would do well to take up the subject of emigration, and come forward early in the next session with a plan to that effect.

Mr. *Warburton* said, that in the premises on which this question rested, there was not any difference between the right hon. gentleman and himself. They both of them agreed, that there was great distress among the pauper-population of England and Ireland; that the situation of the emigrants would be much improved, if an advance of capital were to be made to them; and that the colonies would be improved by directing the tide of emigration to their shores. The sole question between them related to the amount of prosperity which such a system of emigration would confer upon the mother country. Now, he was of opinion, from the data offered to the House, that if the right hon. gentleman were allowed to expend a million and a half in emigration, he would find that the annual increase of the population would far exceed the annual diminution of it by emigration; and consequently that he was expending that million and a half of money for no earthly benefit whatever. He thought it unfair that the country to which the tide of emigration was to be directed, should be a country which did not yield any commodity of value to this country. If the emigrants had been removed to a country which produced indigo, saffron, rice, or any commodity which was generally in use in the united kingdom, a regular system of emigration might, in a few years, lead to a traffic between the mother country and the new colony of a very beneficial nature. But the plan was, to send the emigrants to a country which, with the exception of peltry and bad timber, produced no article of which this country stood in need. If emigration were to be formed into a system, he hoped it would be conducted upon the principles laid down by the hon. member for Limerick.

Mr. *Slaney* said, that if the right hon. gentleman succeeded in carrying his scheme of emigration into effect, the first result of it would be to elevate the remaining pauper-population of Ireland in the scale of comfort; the next would be to check the increasing population of that country, by doing away with that recklessness which led to so many early and improvident marriages. Another benefit of such a scheme would be, that it would tend collaterally to improve the condition of the poor in England. At present, the state of the English poor was rendered much worse than it otherwise would be, by the great influx of paupers from Ireland, who undersold the English labourers in every article of labour. Formerly, the Welsh descended from the mountains of Montgomeryshire and Merionethshire to reap the harvests of Shropshire. Now, they were driven out of the fields of Shropshire by the immense crowds of Irishmen, who annually came over and reaped the harvest at a much lower rate than the Welsh could afford to do. Again; there were a quantity of young women who came every year from Shropshire up to London to gather strawberries, and to carry them to the different markets. This year several of these young women had written down to their friends, stating, that it would be unnecessary for them to come up to London, as their market was taken away from them by the number of Irish who worked at much lower wages than they had ever received. In conclusion, it was his conviction, that the labourer would derive benefit from the execution of the plan proposed by the right hon. gentleman.

Mr. Secretary *Peel* said, that no one could be less disposed than he was, to under-rate the importance of this subject, or the ability with which his right hon. friend had introduced it to the House, or the zeal with which he had persevered in it, under all the discouragements which had been thrown in his way. At the same time, he thought that his right hon. friend had submitted his present proposition to the House, more with a view of producing a discussion, than of taking the sense of the House upon it; because, independently of the substantial objections which existed against his right hon. friend's resolution, there were objections in point of parliamentary form, which he considered to be unanswerable. There might be circumstances, in which, with a view to allay prejudice or to remove irritation, it might be desirable for the House to pledge itself to the course which it would pursue in the next session; but such a proceeding could only be justified under particular circumstances of necessity, and therefore ought to be resorted to with caution and forbearance. His right hon. friend proposed, that the House should pledge itself to take into consideration, early next session, the propriety of adopting certain measures of emigration. Now, he should have objected to such a proposition had the measures to be adopted been definitely described; still more must he object to it, when those measures were vaguely and indefinitely mentioned. Let distinct measures be proposed to parliament, let inquiries be made into their details, and then the House would see what it ought to do; but how it could lead to any advantageous result for the House to pronounce a pledge, that it would do something in the next session, without stating what, he could not possibly imagine. He therefore trusted that his right hon. friend would not call upon them to give an opinion unfavourable to his resolution, either by voting against it, or by voting in favour of the previous question. The case really was not justified by that strong and urgent necessity, which alone ought to induce the House to enter into a pledge as to its future conduct.—Having said this much, he would now candidly confess, that to emigration he attached considerable importance, in one point of view. He was not so sanguine as his right hon. friend as to the immediate benefits which it would produce. When his right hon. friend told him, that by an advance of 1,140,000*l.* an advance which would entail on the country a permanent charge of 57,000*l.* a year—only nineteen thousand families could be removed, he was obliged to confess that, in his opinion, the removal of nineteen thousand families from the three branches of the United Kingdom, would not produce any sensible relief to the country from its present pressure of pauperism and distress. Still he was of opinion, that emigration, if it were conducted without too great an outlay of the public funds, would be productive of great ultimate benefit to the lower classes. It was his opinion, that to the colonies themselves a system of emigration would be of immediate advantage. An hon. member had told the House, that the colony to which the tide of emigration was flowing was a colony that produced nothing but a few skins and some wretched corn. Now, to that observation he would reply, that in its immediate neighbourhood a vast empire, which owed its origin to this country, had risen, within the memory of man, to great and singular prosperity; and that if he could introduce a flourishing population into Canada, there was nothing in its situation or climate to prevent its attaining, in course of time, equal power and equal prosperity. He should think, that if he could introduce into that colony a strong and vigorous population, speaking the English language, actuated by English feelings and habits, and creating a demand for English manufactures, he should have conferred a benefit upon the colony itself, and also upon the mother country. He was not insensible to the advantages which we derived from colonial strength and colonial importance; and he would not believe that the only return which Canada could make to us for the population which we bestowed upon her, would be the importation of a few bad skins and a little worse corn. He could not, however, consent to the policy of laying out large sums of public money to encourage emigration. It was always easy to talk of making large advances out of the public funds; but gentlemen ought not to forget, that in making those large advances from the public, they were abstracting a large portion of productive capital from the hands of private individuals. The question, therefore, was simply this—whether it was better to let the productive capital remain where it now was, or to transfer it for contingent advantages to another quarter? He had no objection to giving every reasonable facility to emigration; but such facility should be of a local nature. He could see no check whatever to the expectations which would be excited, supposing the government were to say that it had 5,000,000*l.* at its disposal to promote emigration. If such an annunciation were to produce an impression among the landlords, that they must eject their tenants from their farms to obtain relief from the proposed system of emigration, he knew that the landlords would find themselves disappointed in their ideas; but he did not know what intermediate evil might arise before they found out their disappointment.—It was a great mistake to suppose, that the project of his right hon. friend was a project of forced emigration. His right hon. friend did not seek to compel any man to quit his country against his will: he only wished to give him facilities, if he were voluntarily inclined to try his fortune in another country. Now, if the landlord who wished to lay the foundation of the future improvement of his estate, and if the tenant who had a claim on his landlord for assistance, and who wished to try his fortune elsewhere, would assist each other in pursuing a system of emigration, something effectual might be done for the country by encouraging emigration. If any magnificent scheme of emigration were proposed, they ought to apply themselves, in the first instance, to trying it on a small scale as an experiment. He saw many difficulties in the practical consideration of this question. In what mode, for instance, the Irish pauper was to be selected for emigration; how far it was fair to call upon the people of England, who had to pay their own poor-rates, to defray the expenditure for relieving the Irish landlords from theirs; and likewise how it was possible to provide that check upon the desire for emigration which must always operate, while pecuniary encouragement was held out, and which was necessarily calculated to unsettle the improvement of things at home, and keep the population wildly absorbed in the contemplation of constant change. He admitted that England was in this respect differently situated from Ireland, from her system of poor's-rates being so arranged, as to afford facilities for the repayment of the necessary advances. Still, though he was not disinclined to the principle, he must see his way previously through all the complicated details upon which must mainly depend the success of such an undertaking. Against affording new facilities for mortgaging the poor-rates, there must naturally arise a variety of objections. The best limit, at present, to their undue extension was, that the pressure of the screw was immediately felt; but if they once allowed the present generation to cast the burthen upon their successors, they would introduce a sort of funded system into the poor-rates, the evils of which it would be difficult to avert. How, too, were the landlords to be protected against the votes of the tenants at vestries, who had the immediate power of imposing this mortgage, and who had likewise all the inducements to throw the burthen from their shoulders *in futuro* upon the land? A fixed plan of emigration assumed, that the pauper's necessities required a permanent change, which was not the fact; for his condition was dependent upon the fluctuation of labour. He did not decide against the principle of the proposed measure; he only desired caution and deliberation in the consideration of the details, before any final arrangement was held out to the country. They ought to bear in mind, that the committee of the year before last recommended, by a special report, an advance of 50,000*l.* for the emigration of the poor of Scotland; yet a change speedily took place in the demand for labour, and this report was never acted upon, there being no claimants for the benefit of it at the time when it might have been brought into action. He hoped to see a similar improvement produce the same results elsewhere. He had not adverted to the natural and just facilities which the government might give to volunteer emigrants; he meant of that class whose own means were sufficient to hold out a prospect of their forming a nucleus for a labouring population in the colonies. And here he thought it would be highly advantageous for his valuable friend colonel Cockburn to prosecute his inquiries in North America for the Colonial-office; so that persons desirous of embarking adequate capital, should have some place to which they could resort for *bona fide* information respecting the qualities and general condition of the land where they might wish to settle. And upon this point any expense of a moderate nature to which the country might be put, would be ultimately compensated out of the sale of reserved lands. In looking at this subject of emigration, he did not contemplate the acquisition of any immediate relief to the community; but he thought, if prudently regulated, it might be rendered subservient to the attainment of eventual benefit. He held in as great scorn as his right hon. friend, those ignorant efforts that had been made to raise an outcry against his plans by persons who had not taken the trouble to read the report, or the evidence on which it was founded. He hoped his right hon. friend would not press his motion to a division.

Mr. *Wilmot Horton* shortly replied, and consented to withdraw his motion.

East Retford.] Mr. N. Calvert moved, "That leave be given to bring in a Bill to incapacitate certain persons therein named from Voting at Elections of Members to serve in Parliament. On the question being put, the House divided: Ayes 74; Noes 26.

HOUSE OF LORDS.

Thursday, June 26.

Corn Bill.] The Duke of Wellington

moved, the Order of the day for the third reading of this bill.

The Marquis of *Lansdowne* said, he concurred in much, if not in all, that had fallen from the noble duke upon a former evening, with the exception of his recommendation of the measure as a permanent regulation. Independent of the various considerations connected with the state of the currency, which so materially affected this measure, it was apparent from the nature of the bill, and from circumstances which might arise, that it would be necessary hereafter to reconsider this measure. The protection afforded by this bill was, in his opinion, less than that afforded to the agriculturist by the bill of last year at that part of the scale at which the agriculturist stood most in need of protection. Greater protection was afforded by the bill of last year between 52*s*. and 58*s*.; and the present bill afforded greater protectection when the price ranged from 62*s*. to 68*s*. He was of opinion, that the occasion might arise when so much foreign corn might be poured into the country, as to render it necessary for the legislature to interfere. Though he did not support the present bill as a permanent measure, he hailed it with satisfaction as evincing a disposition to approximate, and a manifestation of change of opinion in that House. Within a single year the minority for upholding the former state of the law upon this subject had been reduced to a fifth of what it was. He was glad to perceive also, that none of the calamities which had been predicted as attendant upon the warehousing system had been conjured up on this occasion. He saw in all this an indication of a favourable change of opinion in the House, and a disposition to meet the general feeling.

The Earl of *Malmesbury* maintained, that the change of opinion in that House had not been effected by any feeling manifested out of doors. There was a strong feeling throughout the country upon the subject; but it was one of decided opposition to the present measure. The noble marquis regarded this measure as any thing but a permanent one. Now, though opposed to this bill, he above all things deprecated temporary legislation upon the subject. Even if the measure were bad, he would say, for God's sake let it be permanent. It was impossible for landlords and tenants to come to any arrangements, while the subject continued in an unsettled state. It was thought there would be a deficiency in the wheat crop. In this event the measure would fail of the desired effect, in the districts where this scarcity prevailed; in fact, it would be fatal to them, for the moment wheat averaged 60*s*., foreign grain would pour in. His opinion was, therefore, that they would have no possible check at 60*s*. nominally, as a remunerating price. The landlords, besides, could not now reckon upon the capital of their tenants to bear up against the storm. That capital was nearly exhausted. He objected strongly to the exception made in favour of the Isle of Man, on account of the facility which it afforded to fraud and evasion. Why not, as the rights of sovereignty of that island had been purchased by the community, place it upon the same footing as the other parts of the kingdom?

Lord *Ellenborough* said, that this equal annexation of the Isle of Man would take place as soon as the necessary arrangements could be effected. In the mean time, a plan of certificate had been provided by the officers of the Customs, which would prevent the perpetration of frauds and evasions. The noble marquis had assigned three reasons why this measure should not be deemed a permanent one. First, the state of the currency; and secondly, the situation of their foreign relations. Now, the latter reason, if applicable at all, would affect equally every other measure of general policy in which the country might be engaged: but he must say, that nothing was more unlikely than any occurrence in their foreign relations, which could affect the present arrangement. The third objection was against the descending scale of duties. This the noble lord defended, by a comparison of the provisions of the present bill with those of the bill of last year. The present bill went to supply the deficiency when the harvest was below the average; and as to its imputed want of permanency, what corn-bill could be called permanent, when the materials upon which the basis must rest were exposed to fluctuation, from a variety of uncontrollable causes.

The Earl of *Darnley* approved of the bill because it relinquished the principle of prohibition, and substituted a graduated scale of duty. He doubted, however, whether the descending scale under 58*s*. would effect its intended purpose.

The Earl of *Rosslyn* condemned that

spirit of excitement and calumny, which imputed corruption and selfish motives to the agriculturists who sought a reasonable protecting duty. The bill of last year appeared to be rather a measure forced upon the government of that time, than one emanating from them upon a dispassionate investigation of the subject. The proper protection of agriculture involved the well-being of the other classes of the community, and of course the ultimate advantage of the consumer. He was spared from demonstrating this fact, because he saw in the conduct of government an assurance of their determination to act upon the same principle. In looking at the present bill, he objected to the graduation of the descending scale, and would propose that the price under 58*s.* should descend by 2*s.* instead of 1*s.* He was very desirous that a scale of protection should be devised, which should secure the permanent employment of capital in agriculture, particularly in Ireland. It should always be recollected, that capital embarked in manufactures was liable to depredation by design or accident, far more than that employed in agriculture, which always, be the speculation good or bad, tended to give to the land a permanent character of improvement. When the proper time arrived, he would move an amendment to the warehousing clause.

The Duke of *Wellington* implicitly believed that this bill would put a stop to the impolitic speculations in foreign corn, which had so often taken place, and substitute in their room a dealing in British produce. The duty at 58*s.* was higher than that provided in last year's bill. [Here his grace was reminded, that this particular duty was the same in both bills.] There was certainly a difference in the lowest scale of duty, speaking, as well as he remembered, from the information afforded by last year's committee, before whom it appeared that 31*s.* was the importation cost of wheat from Dantzic, to which add the duty of 29*s.*; and then the calculation was formed exclusive of any allowance for profit for the seller or importer. He admitted that corn could be imported into this country upon the same terms as into the port of Rotterdam; but the cost of transfer from Holland to London, would be 2*s.* 6*d.* or 3*s.*: nevertheless there would be a countervailing gain upon the descending scale of duty. It was this which weighed with him in not laying the duty at once upon corn introduced merely into the warehouses; for the effect would be to diminish the value of warehouse property in this country, without any adequate advantage.

Earl *Stanhope* opposed the bill, though he thought it less objectionable than the bill of last year, simply because it was not intended by government as a stepping-stone to further spoliation. This, rather than any intrinsic merit in the measure, accounted for the diminished number of its opponents, which had excited the surprise of the noble marquis. He had opposed both, and could not be called on to explain the conduct of those who had supported this bill, after having opposed the former; but if he were to hazard an explanation, it would be that the government of last year was the object of general disgust and suspicion, and the government of the present day the object of general confidence and esteem. They ought however, if they passed this bill now, to accompany it with two other measures; one to change the value of the currency, and another to give to farmers throughout the country the option of cancelling their leases. He felt unbounded veneration for the government of the noble duke, and could not but contrast the state of things at present with that of last year; when the landed proprietors were made, in another place, the object of reproach, and their interests appeared to be devoted to spoliation.

Lord *Goderich* observed, that the noble earl had said, that he placed confidence in the administration of the noble duke, and had gone on to draw a contrast between the present administration and its immediate predecessor, and the administration of lord Liverpool. But he begged to remind the noble earl, that the bill brought in last year, did not proceed from the administration preceding the noble duke's but from that of the earl of Liverpool, of which the noble duke was himself a member. As to the hostility to the agriculturists, said by the noble lord to be entertained by some persons, he appealed to their lordships whether he had ever betrayed such a feeling, and whether he did not rather, in bringing forward his bill last year, introduce it as a measure beneficial to all interests. He did not, on that occasion, make it a question of protection or no protection, but had argued it on the ground of its tendency to serve all classes of society; nor did he ever talk of the agricultural interest but as one that required especial protection from parliament. He must, therefore vindicate himself and the administration which had been so unjustly attacked by the noble earl, from the imputations which had been heaped on them.

Earl *Stanhope*, in explanation, said, he was justified in his language, when he remembered that a distinguished political economist had said in another place, that the agricultural interest must be put down, and that he would sound the tocsin of alarm, whenever protection should be demanded. Was he not right in imputing wild theories to that administration, when there were in it Mr. Huskisson, Mr. Grant and a host of other political economists? He would not only repeat his observations but defend them.

Lord *Goderich* declared, on his honour, that he not only had never heard any person use the words mentioned by the noble earl, but did not believe that any person was foolish enough to utter them.

Lord *Redesdale* accounted for the bill having proceeded from lord Liverpool's administration, on the ground that that noble lord was under the influence of those members of his government who represented him in the House of Commons; but that bill was not the only unwise measure which lord Liverpool was obliged to sanction. There was, for instance, the Canada bill. They had lately heard much of the word "resign" and he remembered, in Mr. Pitt's time, the word was much used by a certain triumvirate, who had established an undue influence over that minister; that triumvirate grew afterward into a decemvirate, and was overturned; and then he was told that Mr. Pitt resigned —Resigned! no such thing; he was dragged out. The noble baron then proceeded to show that if the comparative value of money were taken into the account, corn was dearer in the reign of Charles 2nd than it was at present; and that no corn law could be permanent, that was not founded on the principle of the corn-law of that reign. That law forbade the importation of corn, unless there was a strong probability of scarcity: and the consequence was, that the country had risen into a high state of cultivation, and had been found capable of supporting three times the number of inhabitants, which it had in the reign of Charles 2nd. The present bill was particularly objectionable in principle; for it held out a premium to speculators to search where in the world they could get corn cheapest, and then, after making that discovery, to import it in the greatest quantities to this country. The effects of such a system must be ruinous to the agriculture of any nation, and particularly of a nation which had such heavy establishments as we had to support. The noble lord argued, that this measure could not be a permanent one owing to the fluctuations which were daily taking place in our currency, to the variations in the amount of our taxes, and to the increase of the poor-rates. He should oppose the bill, as wholely inadequate to its object, and calculated rather to produce mischief than good.

The bill was then read a third time, after which, several amendments, moved by the Earls of Rosslyn and Stanhope, were proposed, and negatived.

HOUSE OF COMMONS.

Thursday, June 26.

Commission on the Law of Real Property—Mr. Humphreys.] Sir *J. Mackintosh* said, he hoped he should be allowed to say a few words. He confessed that he felt very great regret, in common with all those who took an earnest interest in improvements in the law, that the name of Mr. Humphreys did not appear in the Commission that had been appointed, to inquire into the law of real property. The merits of Mr. Humphreys were so great and so well known, that no name would have sooner occurred than his, to any person who was zealous for reform in this branch of the law. If there was a man who, to a profound knowledge of the principles of the law, joined an eminence for his skill in practice, he could not help considering it as a public misfortune, that Mr. Humphreys's name did not appear in the commission. In saying this, he did not mean to say any thing derogatory of the learned persons who formed that commission. Mr. Campbell, though he had hitherto applied his talents to a different part of the law, would, he was sure, execute his task with skill, integrity, and assiduity. So would Mr. Duckworth. Still, he regretted the absence of Mr. Humphreys's name in the commission; and he had the less hesitation in saying so, as those very persons had expressed their sorrow at being deprived of the valuable assistance of Mr. Humphreys. Mr. Humphreys, animated as he was by a public spirit, would, no doubt, give the commission all the assistance in his power; but that would be very little, compared to the assistance which he might have given, had he been one of the commission. After the valuable publication which Mr. Humphreys had put forth, he did think this omission a misfortune.

Mr. Secretary *Peel* said, he had been actuated by no personal feeling in the selection he had made. Nay, he had never even exchanged a word with any of the commissioners. Moreover, no one of the commissioners had made any application on the subject; they had each of them been invited to undertake the task; he believed that the proposal was totally unexpected by each of them; and it had been so made that they should consider themselves under obligation to no one for their appointment. As to Mr. Humphreys, the omission of that gentleman was, he would contend, perfectly consistent with the object of the commission. Mr. Humphreys had written a work which had provoked a controversy; and if Mr. Humphreys had been put upon the commission, so also must those who had engaged in the controversy against him. This would not have effected the object of the commission. It was much better that persons who had not committed themselves to any particular points should constitute the commission. If the commissioners thought proper to avail themselves of the services of Mr. Humphreys, they might do so.—They might receive both the evidence and the suggestions of Mr. Humphreys. It was thought that the commission should consist of no more than five; and that a common lawyer, two conveyancers, and two practitioners in a court of equity, were the most proper persons to make up that number.

Sir *F. Burdett* could by no means agree in the rule, that persons who had showed a disposition to reform a part of the law, should be excluded from a commission appointed to inquire into that part of the law. Mr. Humphreys, a gentleman eminent in his profession, had performed the extraordinary task of producing a work on the subject of the law of real property, for the comprehension of which no technical knowledge was at all necessary. The omission of that gentleman's name in the commission reminded him of the old story of the play of Hamlet being performed, with the character of Hamlet omitted.—Mr. Humphreys had given up much of his time, and, of course, of his professional emoluments, to the investigation of the subject, to inquire into which the commission was constituted; and every body expected that his name would have appeared in it.

Mr. *Batley* thought, that if Mr. Humphreys had been appointed, so also must the learned gentleman who had opposed the doctrines laid down in his publication.

Mr. *Brougham* was convinced that the undeviating honour and integrity which had characterized Mr. Humphreys, ought to have assured every body, that a more valuable gentleman could not have been placed upon the commission. He could not help thinking, that the omission would not only tend to diminish the confidence of the public in this commission, but to diminish the prospect of benefit which they had every right to expect from the inquiry. It was said, that Mr. Humphreys had carried reform too far, and that therefore, another gentleman, who differed totally from him, ought to be placed on the commission, if Mr. Humphreys was. Now, he would contend, that there was no sense in putting such extreme notions in such a situation. A learned person was reported to have said, that he would rather have his bowels torn out, than that the system of fines and recoveries should be abolished. Now, would it not be an absurdity, to place Mr. Humphreys and this learned person together on the commission?

Mr. *Hume* said, there was a great difference between having the evidence of Mr. Humphreys, and his being on the commission, where he might originate improvements. It would seem, that any men of talent and information, who had ventured to give their opinions on subjects of importance, were less likely to be employed, than men whose minds were a blank sheet of paper.

Banking System—Currency.] Mr. *Hume* said, that as he considered the question of the currency to be one of vital importance to the country, he must again impress upon ministers the necessity of altering their policy. In the speech of his majesty, in February, 1826, they were recommended to take such measures as would prevent the fluctuations which had lately taken place; but instead of attending to this recommendation, ministers came down with a measure, which lessened the currency, and tended to increase those fluctuations. The object of his motion was, to ask leave to introduce a bill which would compel bankers to make quarterly returns of the amount of their notes in circulation. If that plan were adopted, not only would it prevent excessive speculation, but it would enable parliament to deal with the currency, upon any emergency, with greater safety than at present, when it was impossible to ascertain, with exactness, the amount of paper in circulation. The bankers with whom he had communicated on the subject had declared, that they had no objection to give publicity to their proceedings in the way he proposed. The hon. member then proceeded to repeat the opinions he had formerly expressed, as to the manner in which the system of banking should be conducted in this country. He thought that no bankers should be allowed to issue notes, until they had given full security for every farthing of the amount to be issued. That, combined with the plan of quarterly returns, would, he conceived, afford perfect security to the public. He disliked the air of secrecy which was observed with respect to all the proceedings of the Bank of England. The Bank of France was guided by a more liberal policy; for, in February last, it laid before the public a full statement of all its affairs. If the Bank of England had been in the habit of issuing similar statements, the lamentable events which distinguished the close of 1825 would not have occurred. He did not, however, mean to blame the Bank for what they did on that occasion; for he believed they thought they were acting in a way which would be beneficial to the country. He then referred to the United States of America, where, as he said, during the recent panic none of the banks formed on the principle of the Scotch banks (that of giving security) had failed, whilst most of those established upon the system prevailing in this country had become insolvent. That was a practical instance which ought not to be lost sight of. The hon. member then read several extracts from papers which had been laid before the local assemblies in the United States, but in so hurried and confused a manner that it was impossible to collect their purport. He did not scruple to call this a complete departure from consistency on the part of the ministry; indeed a total dereliction of all principle. He would not require at the hands of private bankers the same minute accounts as from chartered banks; but he thought these depositories of public money would never be safe until government required of them, in the first instance, securities, and next convertibility of their paper into gold, with a regular quarterly return of the amount of their issues. He concluded by moving for leave to bring in a bill "to compel the Bank of England, and all country bankers, to make quarterly returns of the amount of their promissory notes outstanding."

Mr. *Hudson Gurney* opposed the motion. At that late period of the session, and on the eve of the operation now about to take place, of calling in the one-pound notes, no conjuncture could be conceived, in which this species of legislation could be more ill-timed. Indeed, the hon. member's own views seemed to be singularly confused. He had mixed up joint-stock banks, and chartered banks, and private banks, and banking in England, and banking in Scotland, and banking in France, and banking in Massachusetts, in a manner which could not practically bear upon the present state of monied transaction in this country, whether the existing system be a good or an erroneous one.—He, however, should, at the present moment, deprecate any legislative measure. It had been put forth, in 1825, that the insolvency of many of the country bankers arose from their having gone into the bubbles and speculations of the day. It was, however, found that the contrary was the fact; and, whatever failures had then taken place, had, for the most part, arisen from their having made imprudent advances to their immediate neighbourhoods. Now, as the legislature had determined, that the circulation of one-pound notes should cease in April next, the real danger to be guarded against was, lest the bankers, anticipating a greater demand on them than might probably take place, in consequence of that measure hanging over them, should be too hastily withdrawing their credits, and might thus bring on, during the winter months, a greater pressure than the country could conveniently bear. A run on the bankers was a great grievance to them; but the real pressure was from that which necessarily followed it; namely, the run of the bankers on the country; and though in his (Mr. Gurney's) opinion, the looseness of credits given by bankers, had, at one time, gone to a very dangerous and injurious length; yet it must be obvious, that the bankers, having to supply their respective districts with the specie necessary to their circulation, would not be very ready to grant such credits now, and might be safely left to take their own measures, without being obnoxious to the suspicion of wishing unreasonably to extend their issues.—Here, Mr. Gurney said, he could not but remark on the most unfortunate examples which the hon. member had brought forward to sustain his motion. In America there was hardly any metallic currency. The notes of the banks in the different states circulated at different values; as calculated against the United States bank note, which went every where, and with them appeared to constitute the standard in use; whilst the very system of the Scotch circulation was issuing on joint securities, to be met by after returns of the sales of property, and not, as in England, real cash lodgments previously made. Under all these circumstances, he hoped the House would not concur in the motion of the hon. member, and that if the hon. member were to bring any motion forward in another session, he might see fit to have his plan a little more digested than it appeared to be at present.

Sir *C. Cole* supported the motion. He thought that the labouring classes had a right to ask, at the hands of the legislature, some security for the solvency of country banks, in which they must of necessity repose so much confidence.

The *Chancellor of the Exchequer* concurred fully in what had fallen from the hon. member for Newton, and felt, that after his observations upon the motion, it was unnecessary to enter into the wide field of discussion which the hon. mover had thought it necessary to take. The question really was, ought parliament to compel all bankers to render a public account of their issues? To accomplish this object, it seemed, the hon. mover had no hesitation in prying into and revealing the secrets of their business; secrets on which not only their welfare but their ruin might depend. Admitting that in the estimate he (the chancellor of the Exchequer) had made of the issues of country bank paper, there had been some inaccuracy, was that a reason why private individuals should be compelled to go into a statement of this nature, and disclose what must so often prove injurious to their interests? He, for one, could not concur in the motion. That hereafter a mode might be struck out, of controlling those issues by some species of return of the issues, he thought not impossible; but he felt that, at present, circumstances connected with the currency, called on parliament not to be precipitate in legislating on the subject.

After a short conversation, Mr. Hume consented to withdraw his motion.

HOUSE OF COMMONS.

Friday, June 27.

East Retford Disfranchisement Bill.] Mr. N. Calvert moved, that the bill be recommitted.

Lord *Howick* said, that when the bill was brought into the House in its original shape, no individual felt more favourably towards its principle than he did; but it had since undergone very important changes, which had been produced by the hon. member for Hertford. That being the case, he felt it necessary either to oppose the measure altogether, or to suggest some third scheme which would meet the wishes of all parties. The line of argument adopted by many hon. members, but especially by the secretary for the Home Department, led them to oppose a transfer of the elective franchise to Birmingham; but the right hon. Secretary agreed in the propriety of disfranchising East Retford. The right hon. gentleman did not mean to give to East Retford the shadow of a right, while the substance was held. The right hon. gentleman's words were these—"We are only to consider, supposing the determination of the House to be that this borough shall be disfranchised, to what place it is fit and expedient to transfer the right." In this broad manner did the right hon. gentleman lay down the principle by which the House ought to be guided; and he then proceeded to give his reasons why they ought rather to extend the franchise to the adjoining hundred than to bestow it on Birmingham, or on any other great and populous town. The right hon. gentleman's argument on that occasion was, that it would be improper to disturb the relations which at present existed between the agricultural and commercial interests in that House. By acting on this principle, the constitution did not gain any real strength by the disfranchisement of corrupt boroughs. The right hon. gentleman had said, when the question was formerly debated, "On the whole, I am disposed to take a middle course. I cannot acquiesce in the proposition that both the franchises should be transferred to manufacturing towns; but what I propose is, to give one to a manufacturing town, and to extend the other to the hundred; and thus to adjust the claims of the two parties." Now, proceeding on this principle, he thought the right hon. gentleman might very consistently give his support to the plan which he meant to submit to the House. That plan was, to give the franchise forfeited by East Retford to Yorkshire, which great county would thus send six members to parliament. He thought that many gentlemen would approve of this plan, even on the principle of creating a division of interests. For, supposing the West Riding sent two members to parliament connected with the commercial interest, and the East Riding sent two connected with the agricultural interest, there would still be two other members to watch over the general interest, without throwing their weight into either scale, or altering the relations which existed at the present time between the landed and commercial interest.—The noble lord was about to move, that his plan be referred to the committee as an instruction, when the Speaker informed him that the motion, "that this bill be re-committed," was not yet disposed of.

Mr. *Tennyson*, who had just entered the House, expressed a hope, that the few observations which he was about to make, would be patiently heard. He must say that he was placed in an extraordinary situation, in consequence of the course taken by the hon. member for Hertford. In the first place, it was not usual to bring on questions of this kind so early in the evening; and in the next, he had conceived that he was in possession of the subject to which the present measure related. On a former occasion he had stated, that he meant to submit a motion on this subject; and that if the House did not approve of it, he would leave the matter to the hon. member for Hertford. All he had since heard was, that the bill was to be recommitted; and before that step was taken, he wished to say a few words with reference to those proceedings. The Penryn bill had been decided in the House of Lords, and decided in such a manner as left him little or no hope that the right hon. Secretary would redeem the pledge he had given, when he agreed that one of the forfeited franchises should be transferred to a great town. He had supposed, that if that event took place which had occurred in the other House, some great town would receive the forfeited franchise. And he had inferred the same thing from the statement made, during one of these discussions, by a right hon. gentleman, then a member of the cabinet (Mr. Huskisson), that if the event to which he had alluded took place, the franchise of East Retford should be transferred to some great town; and he thought, in common, he believed, with the whole House, when the right hon. gentleman made that statement, that it was participated in by all his majesty's ministers. He would leave the right hon. Secretary to settle this matter between himself and his colleagues; but he must say, that he thought the right hon. gentleman was pledged by the words which he had used, and, considering him to be bound by that pledge, he would argue the point no further. But if they were to go on with these discussions, it would be necessary to recall to the mind of the right hon. gentleman another pledge which he had given, which was this:—In the last debate on this subject he stated that it was the intention of government, if the bill for the disfranchisement of Penryn were thrown out in the Lords, that the disfranchisement of East Retford should be treated as an open question. Now, he would ask the right hon. gentleman to state to the House that it was to be viewed by government as an open and not as a party question. The last time it was discussed, the right hon. gentleman knew that it was treated decidedly as a party question. Despatches were sent to all parts of the kingdom to procure the attendance of members. Arguments were adduced to influence the opinions of members — arguments, not founded on the nature of the measure, but proceeding on the principle, that the fate of the administration depended on the way in which this question should be decided. They were told that the existence of a Tory government depended on the decision in this case; and that a dissolution of parliament was likely to follow a defeat of the government party. A great number of gentlemen had, indeed, stated to him, that their opinion was with him on this question; but that at the particular crisis when it was brought forward, they considered it a paramount duty not to quarrel with government. The tocsin was sounded throughout the country, the feelings of hon. members were appealed to, and the ministers carried their point. The right hon. Secretary ought to be contented with the majority he had obtained, and should now redeem the pledge he had given. He wished now to remind the House of the state in which it was placed with respect to this question. If it were persevered in, a great deal of discussion must arise. At so late a period of the session, it was impossible to legislate on this subject before the prorogation took place. He therefore would postpone the measure till next session, and should move, "that this report be taken into further consideration on this day three months."

Mr. *Stewart* seconded the amendment. He had always thought, that the evidence did not make out a sufficient case against the borough, and therefore he had voted against the original proposition. But now that it was proposed to extend the franchise to the hundreds, he should, though the greatest corruption might exist in the borough, certainly vote for the franchise remaining where it was, rather than throw it into the hands of the aristocracy.

Mr. Secretary *Peel* said, he was confident he had fully satisfied the House that he had not given the slightest indication of the course which he intended to pursue, in the event of one franchise only being placed at their disposal. He had acted on the case of Penryn, as on a good case, and never contemplated that the bill would have been thrown out in another place. The details into which he had entered on former occasions were sufficient to show, if his declaration were not sufficient, that it was impossible for him to have contemplated that the case now before them would arise. As to the charge that he was influenced by any party or personal considerations, and particularly as to the charge of his wishing to increase the influence of the aristocracy, he could only give a general and flat denial. He had no knowledge of the hundred. He did not give his vote with the view of supporting, either directly or indirectly, any persons or any parties. He had before stated, and he was ready to repeat it—that, supposing there was only one borough to dispose of, it did not appear to him that there was any reason for the consideration of it being made a government measure. He did not think that the franchise ought to be continued to East Retford. The delinquency of the borough was so great, that he was satisfied the franchise ought not to remain there. The question, then, was simply this—what course ought to be pursued? One hon. gentleman says the franchise ought to be transferred to Birmingham; the noble lord asked it for Yorkshire; and his hon. friend wished it to be extended to the hundred of Bassetlaw. Now he admitted that two of the grounds on which he had preferred the hundred to Birmingham would apply to the proposition of the noble lord. If the agricultural interest were to be considered, that would be as well done by transferring the franchise to one of the Ridings of Yorkshire, as to the hundred of Bassetlaw. He also admitted that they were under no obligation to consult the interest of East Retford at all. If the Lords had extended the franchise of Penryn to the hundred, he should have voted that the other franchise should be transferred to a town. East Retford had no claim at all upon them. At the same time, however, it would be an advantage if, while they punished the delinquents, they could also attend to the interests of those who had been guilty of no corruption. He looked upon a franchise as a great public trust, held for the benefit of the people, who had the power of withdrawing it if they found that those to whom it had been committed had violated that trust. He had also said, that there were cases in which it was sometimes necessary that the innocent should be included in the punishment of the guilty. This was the case in corporate bodies, where the minority must abide by the act of the majority. There was, however, one ground to which the noble lord had not adverted—the noble lord had not taken the county of Nottingham into consideration. Now he was unwilling that the proportion of the representatives of the counties—should be disturbed without good cause. He had rested a part of his argument, on a former occasion, on the fact, that the county of Cornwall returned forty-four members, while that of Nottingham returned only eight.

That part of his argument had been found great fault with; but he had never heard the case of a Cornish borough brought forward in that House, without the fact of Cornwall returning forty-four members being strongly insisted upon. In the case of Grampound, the noble lord had relied greatly on this fact, and had argued, that there could be no injustice in depriving Cornwall of two of its members. He knew the danger of this argument if carried to an extreme: yet it must be seen that there was more justice in taking two members out of forty-four, than in taking two members out of eight. Now, seeing that the county of Nottingham returned only eight members, and that the proposal now made would reduce that number to six; seeing that the hundred of Bassetlaw contained thirty-five thousand inhabitants, and included several large market-towns which were unrepresented, and were under the influence of the aristocracy; he could conceive no reason for departing in this case from the rule, which, the case of Grampound alone excepted, had invariably been followed. With the exception of Grampound, the franchise of delinquent boroughs had always been extended to the hundreds. When the franchise of Shoreham was extended to the rape of Bamber, lord Chatham said, he was glad that Shoreham had been taken away from India and restored to Sussex; meaning, that he was glad that East-Indian interest in the borough had been destroyed. Mr. Fox, also, so far from recognizing the principle of transferring the franchise to a large town, was of opinion that the rights of the minority ought to be respected; and upon that ground he condemned the proceedings in the cases of Shoreham, Cricklade and Aylesbury. In the case of Stockbridge, Mr. Fox thought that the delinquents ought not to be mixed up with the innocent. He saw no reason why the bill should not now be made as perfect as it could be; and though it might not pass into a law this session, his hon. friend would have an opportunity of introducing it to the notice of the House early in the next. He should be sorry to see East Retford restored to its original state, and trusted that the House would never agree that a writ should be issued for two new members to serve in parliament for this borough.

Lord *John Russell* said, that if the House would consider the subject for a moment, they would see that the borough of East Retford had never been of the slightest advantage to the county of Nottingham, but merely a source of emolument to those inhabitants of East Retford who sold their votes to any body who would pay for them. Gentlemen went there, paid for the votes, were returned to that House, and thought themselves, as in truth they were, no more the representatives of Nottingham than of any other county. In his opinion, the best way was, whether they had one or whether they had two franchises to dispose of, to transfer it or them to a large town. He said this, not because he was jealous of the landed interest, but simply because the counties were more fully represented than the large towns. When the right hon. gentleman quoted the opinions of lord Chatham, Mr. Pitt, and Mr. Fox, he ought to recollect, that since the year 1793 large towns had sprung up; that the population had increased; that new interests had been called into existence, all of which ought to be represented, but none of which could find their way into that House. Now, as to the proposal for transferring the franchise of East Retford to the hundred, Bassetlaw was certainly a large and populous hundred; but then it was full of members of the other House of parliament, whose seats were situated there, and who therefore must have an extensive interest in the hundred. In the case of Grampound the franchise was transferred to the county of York. The last decision of the House, therefore, was in favour of the freeholders of a large county; and on what possible ground could it now be refused to transfer the next franchise which had come into their hands to a manufacturing town? Although he was ready to vote for any proposition to extend the franchise to a large town, yet, in the absence of any such proposition, and having to choose between East Retford, the hundred of Bassetlaw, and the county of York, he should certainly vote, that the franchise be given to the county of York.

Lord *Normanby* said, that as he was convinced that by extending the franchise to the hundred, no public benefit would be effected, he should not support that proposition. He rested his opposition to this bill on the ground that the House ought to deal with such cases as these, not so much with reference to precedents, as with a regard to the changes which time had effected. The hon. member for Hertfordshire acknowledged the corruption of the borough, but he said "stick to the neighbourhood of East Retford." Yet he thought it would puzzle that hon. member to make out how the county of Nottingham had ever been benefitted by the 20*l.* a vote, which was paid by Mr. Osbaldiston, or by the 20*l.* which was not paid Mr. Marsh. It was quite clear that this was not a proper mode of disposing of the franchise. As to the proposal of the noble lord, he was prepared to oppose it; because, though he could not procure a proper disposal of the franchise, yet he would not give his sanction to an improper disposal of it. The bill was no reform at all, and he should therefore vote against the recommittal of it.

Mr. *Hobhouse* said, that he should also vote against the re-commitment, as he could not consent to trust any bill connected with parliamentary reform in the hands of the hon. member for Hertfordshire. This proceeding had been altogether a most extraordinary one. Since the days in which a pair of gloves brought about the peace of Utrecht, and a crooked window caused the devastation of the Palatinate, such important effects had never proceeded from such slight causes. The first thing that the hon. member had done was to knock up the bill of his hon. friend. The next thing was to knock up the administration; and finally, very nearly to knock up the parliament. He really did not think that the very respectable member for Hertfordshire was by any means a good tactitian; and lest further mishaps should occur, the best thing would be, to dismiss the bill altogether.

Mr. *Slaney* said, that every prepossession in his mind was in favour of the landed interest; but, with the best view that he was able to take of the course that would be beneficial to that interest, he was persuaded that it was highly desirable to transfer the elective franchise, in the present instance, to a great town. The prosperity of the landed interest was intimately connected with the prosperity of the commercial interest. The latter, it was well known, was suffering great depression; and what better chance could be afforded to it of recovering from that depression, than by giving to the great commercial towns the means of being represented in that House?

Lord *Palmerston* expressed his wish, that the franchise should be extended to a great town, not because he was a friend to reform in principle, but because he was its decided enemy. To extend the franchise to large towns, on such occasions as the one in question, was the only mode by which the House could avoid the adoption, at some time or other, of a general plan of reform. It appeared to him very inconsistent in the enemies of reform to oppose the transfer of the franchise to a large town. When people saw such populous places as Leeds and Manchester unrepresented, whilst a green mound of earth returned two members, it naturally gave rise to complaint. The House ought, therefore, to take advantage of every case of delinquency, to apply a gradual remedy to the defective state of the representation.

Mr. *Marshall* said, that if the franchise was not transferred to a great town, the measure would be valueless; but, as long as the right hon. Secretary was opposed to transferring the elective franchise, in such cases, to a great town, the attainment of such an object was scarcely to be hoped for.

Mr. *Peel* observed, that his vote respecting Penryn was a proof that he was not opposed to the principle of transferring the elective franchise to a great town.

Mr. *Lumley* observed, that by the constant delays which had occurred, the borough in question had been practically disfranchised. If no decisive step were taken that evening, he would on Monday move, that a new writ be issued.

Mr. *Wynn* said, that although he was not disposed to get rid of this bill altogether, yet, as it was impossible to get through it in the present session, he thought a great advantage would result from suspending the proceedings upon it, and resuming them next session. Whenever any case of prominent corruption appeared, he should always recommend, that the opportunity should be taken of reforming the representation. Whenever the soil was bad, and there was no probability that the tree would bear good fruit, he would argue in favour of its being transplanted.

The House divided: For the recommitment 97; Against it 42. On the motion, that the Speaker do now leave the chair,

Lord *Howick* moved, as an amendment,

"that it be an instruction to the committee that they have power to exclude the borough of East Retford from sending burgesses to serve in parliament, and to transfer the franchise to the county of York."

Mr. *C. Wood* objected to the amendment. If they were to transfer the franchise to any place, he should prefer its being transferred to some place which already had the machinery of an election, instead of a place which had none.

Mr. *Duncombe* felt it would be highly improper in him to consider himself returned to parliament in order to bind himself up with, or represent any particular interest there. He trusted the noble lord would also well consider his motion before he pressed the House to a division.

The House divided: For going into the committee 95; For the amendment 17. The House then went into a committee on the bill.

Lord *J. Russell* moved, that after the word "Nottingham" should be inserted the words "that hereafter the said borough be excluded from voting for burgesses to serve in parliament." To facilitate the adoption of the bill, he should have no objection to propose, that the place to which the transfer of the franchise should be made might be left to the Crown.

Mr. *Baring* objected to a proposition which must tend to increase the influence of the Crown.

Mr. *F. Lewis* considered the House bound to take this duty on itself.

Mr. Alderman *Wood* said, there were so many obstacles thrown in the way of fixing on Birmingham, Manchester, Leeds, or any other place, to which the franchise should be transferred, that he would move, as an amendment, that the Chairman do leave the chair. This he hoped would get rid of the bill altogether.

The committee divided: For the motion 18; Against it 89: Majority 71.

Lord *John Russell* then moved an amendment for the purpose of absolutely disfranchising the Borough of East Retford.

Mr. *Wynn* said, that if, in the case of East Retford, the elective franchise, instead of being transferred from the delinquent borough to some large unrepresented town, were transferred to the adjacent hundreds, it would have a strong tendency to alter the existing constitution of the House of Commons. It would be the fifth instance in which the elective franchise, having been corruptly exercised by the inhabitants of towns, had been transferred to the freeholders of hundreds; thereby creating, as far as parliament was concerned, small counties within the respective counties to which the delinquent boroughs belonged. There would thus be ten members in the House, in the next session of parliament, elected by freeholders, who, sixty years ago, were elected by the inhabitants of towns. Now, that appeared to him to be a sufficient reason for not proceeding in the course which they had hitherto followed; for he wished to retain the balance which had hitherto existed between the freeholders and the inhabitants of towns. He thought, that if this borough were disfranchised, and an address were presented to his majesty from both Houses, praying him to transfer the right of election to some large unrepresented town, such as Manchester or Birmingham, the House would extricate itself from the difficulties in which it was involved.

Sir *J. Mackintosh* was not disposed to go quite so far as to say, that an Address to the Crown was a more constitutional proceeding than that by bill; for this simple reason, that they were very similar to each other, if indeed they were not fundamentally the same; as a bill originally was only a petition, which the consent of the king converted into a law. He did not think that to address the Crown, requesting the nomination of a town or borough to send members, in lieu of that which had been disfranchised, would at all embarrass ministers. There was no minister, who felt the moral responsibility of his situation, the value of his character, and the worth of the estimation of the people, who would not think it necessary to maintain all these, by giving the representation to one of the great populous towns. For this reason among others, that popular opinion, and the dictates of their own honour and reputation, would induce ministers to make a proper choice, he was in favour of the proposition to carry an Address to the Crown. Such a course would, besides, exhibit the Crown in a gracious and popular light, and was on that account to be preferred.

Mr. Alderman *Waithman* said, it was clear that this measure would not pass during the present session; and he was therefore surprised that ministers should place themselves in the odious position of attempting to force it down the throats of the House. It was quite plain that if the leader of the ministerial phalanx in that House had ordered his retainers to vote in support of the bill originally proposed, it would have been carried. When the population of the country was tripled, was it right to maintain the same narrow system of representation? New towns had sprung up of late years, and even within his own memory. He recollected the time when Birmingham and Manchester were mere villages; and yet, if they had a petition to present, they must present it through the agency of some individual who had no connection with them; whilst rotten boroughs, with only twenty voters, could command the services in parliament of two representatives. He could not see why this remnant of corruption was to be preserved, for the mere sanctity that belonged to the representation of the county of Nottingham; nor why they should give a fresh right of voting to the freeholders of the hundred of Bassetlaw, who had the right already, when there were so many persons in the opulent county of Warwick who were altogether without it. He certainly should vote for the proposition of the noble lord.

Mr. *Sugden* said, he should vote for the transfer of the franchise to the hundred; and chiefly because of the great benefit which had arisen from the adoption of that course. He alluded to the case of Shoreham, where the franchise was extended to the rape of Bramber, and where there was now as much independence and public spirit, as in any other town in the kingdom. He felt that he was not stepping out of the pale of the constitution by giving that vote notwithstanding what had fallen from the hon. member for Knaresborough.

After a short conversation, the committee divided on Lord John Russell's motion: Ayes 43; Noes 108.

Mr. *Tennyson* said, that, after the disposition which the House had manifested, and especially after the division which had just taken place, it would be a waste of time to persist in pressing the measure. The conduct of his majesty's ministers on the occasion had been unfair, unjust, uncandid, base, and grossly unconstitutional. He would repeat, that ministers, in the whole of their proceedings in reference to this bill, and in the regard which they had throughout evinced towards a certain particular interest, had been guilty of the most base and abominable conduct.

Mr. Secretary *Peel.*—Sir, it is not true, that, in giving my vote upon this bill, I have done so with a view to serve any particular interest. I say, it is not a fact, that his majesty's ministers have been influenced by any particular interest, or that they have adopted their present course with a view to any base purpose. The hon. gentleman's proposal was fully debated, and the sense of the House was fairly taken upon it: and he now attempts to compensate himself for his disappointment, by the use of language that is utterly unjustified by any conduct of mine, or of my colleagues, in reference to this bill.

Mr. *Tennyson* said:—I made no personal allusion to the right hon. gentleman. I spoke of his majesty's ministers in the bulk. I said of their conduct that which it was impossible for me not to feel. With respect to the conduct of the right hon. gentleman, personally speaking, I was the only member, taking the view which I took of the subject, that relieved him from the charge of having given any special pledge on the question, beyond that which the right hon. gentleman has himself repeated this night. I have not imputed to the right hon. gentleman any immoral intention, nor have I described his conduct in the abusive language which has been applied to it by others. Although I do not think that the right hon. gentleman was specifically pledged to take any other course than that which he has adopted, the sentiments which I have expressed have been uttered deliberately, and to them I adhere.

Mr. *Peel.*—The hon. gentleman has replied, that it was to the conduct of ministers generally that his language was applied, and he has described them as consulting upon this occasion the purposes of some particular interest. I meet at once such a general charge with a general denial; and I state to the House, upon my honour as a gentleman, that neither directly nor indirectly, have I had any communication with any person who could possibly have had any interest in this measure. I therefore deny that in my conduct in reference to this bill, I have been influenced by any particular interest, and I claim the exercise of my right as a member of parliament to give my vote upon a public question, unfettered by any pledge.

Influenced by such motives I gave my vote; and it was under such circumstances that I conceived it my duty to bring this question under the consideration of his majesty's government, and to make it, as it has been called, a government question. I was desirous to act with perfect fairness; and being the organ of the government in this House, I felt it my duty, before I adopted a particular course in reference to the bills which were before the House, to have them considered by the government, in order that my colleagues in the other House should be bound to take the same line with me in reference to these bills; except so far as the judicial matter of them was concerned. When, therefore, I hear the epithet "base" applied to the conduct of ministers, I feel bound to state, that the expression conveying such imputation, although it may have latterly become half parliamentary, is one not warranted by the usages of this House, and much less so by the real motives which influenced the conduct of his majesty's government.

Mr. *Stanley* said, it was much to be lamented that this question should have been made, from the very beginning, a vehicle for the expression of party feeling. He regretted that his hon. friend near him should have been betrayed into any warm language, but he thought it was very much twisted from its original meaning, when it was said to be personally offensive to any of his majesty's ministers. Upon the general question, as to the expectations of the present ministry, he could only say that, looking to those who had seceded from the ministry, and to those who remained in it, his hopes of advantage to the country from the administration were very scanty; and if it were possible for any thing to diminish those hopes, it would be the language which he had heard within these walls. When he heard a Vice-president of the Board of Trade say, that upon the question of free trade his mind was a piece of blank paper—when he heard the landed interest declare that they at last looked with confidence to a ministry from which they expected a preference to their interests over those of the manufacturing and commercial classes—when he heard language like this, he owned it appeared to him very suspicious, and it led him to suppose, that a change of men did actually produce a change of measures. He would merely say that, after the vote of that night, he saw no use in giving any further opposition to this bill, although his view of it remained unaltered; but now that the franchise was given up to the agricultural interest, it was of importance to have a declaration from the right hon. gentleman, that the next forfeited franchise should be transferred to some great town such as Manchester or Birmingham.

Mr. *Peel* said, he would be the last man to set an example of intemperate language in that House; but, when terms of an equivocal nature were applied personally to him, he would not relinquish his right to meet them. With respect to the question which the hon. member had put to him, he felt difficulty in answering it. He could have no difficulty, however, in saying that, had the franchise of Penryn been given to the neighbouring hundreds, he would have supported the transfer of that of East Retford to some great town. But, acting under the impression that they had two boroughs to deal with, he had sanctioned the transfer of the franchise of the latter borough to the neighbouring hundred. All that he could say was, that, in the disposal of any newly-forfeited franchise, he should be altogether guided by the circumstances of the case.

Mr. *Tennyson* said, he should leave the House with regret if he thought the right hon. gentleman was under the impression, that he had made any personal allusion to the right hon. gentleman. He spoke of the government as a collective body, and in that capacity he thought it was often swayed by motives on which the individuals who composed it would refuse to act. The right hon. gentleman was one of the last men whom he would think of selecting for any improper accusation.

Mr. *Peel.*—I have utterly forgotten every thing that has been said on the matter [Cheers].

Lord *John Russell* said, it would be very satisfactory if they had the right hon. gentleman's pledge that the next forfeited franchise should be transferred to a great town.

Mr. *Peel* said, that if such a case as that of Grampound were to occur again, he should have no objection to transfer the franchise to a great town; but it was no part of his duty to bind himself, in any event, to a particular line of conduct.

Mr. *Littleton* did not think the answer of the right hon. gentleman by any means satisfactory. Suppose the next case which should arise were as strong as that of Penryn, how would the right hon. gentleman act under such circumstances?

Mr. *Peel* said, he did not conceive his hon. friend had a right to put questions to him in this manner. It was not consistent with his duty as a minister of the Crown to answer a question, put in that manner, and of that nature. He would not bind himself by any pledge; but when the time arrived for the discussion of any case of this nature, he should dispose of it in a manner perfectly consistent with any pledges that he had made.

Mr. *Hudson Gurney* said, that the right hon. gentleman had explained himself in the fairest and most explicit way; but the manner in which question after question had been pressed upon him went beyond common decency and parliamentary custom [cheers].

The clauses were agreed to, and the House resumed.

HOUSE OF COMMONS,

Monday, June 30.

AFFAIRS OF PORTUGAL.] On the order of the day for going into a Committee of Supply,

Sir *James Mackintosh* said, he wished to make a few observations upon a recent measure of his Majesty's government, which measure it was his wish to contemplate only so far as it affected an ancient friend, who was engaged in an arduous struggle to uphold that law and that liberty which had been conferred upon her by her lawful sovereign. He would not enter into any discussion of international law. He would not deny that, in cases of civil contests in a state foreign states might recognize either of the contending parties, as in possession of the sovereign authority, and treat with the actual possessors of that authority. Neither would he deny that a foreign state might not recognize in each party the possession of the ordinary belligerent rights, and treat both on equal terms as far as respected those rights. He would not dispute any of those points, nor would he have felt it necessary to call the attention of the House to the subject at all, but for the language used on a recent occasion by our government, which appeared as if it was intended to apply to one party in Portugal, though no doubt it was meant for both. He did not charge the government with any intentional partiality on the occasion; for he had no doubt that if the Junta of Oporto had sent a squadron to blockade the Tagus, and interrupt the communications with Lisbon, which was unfortunately still under the domination of Don Miguel, we should have recognized it as effectually as we had done that which was now declared by rebellious subjects under the orders of a rebel and usurper. For the sake of the argument, he would lay aside a thousand considerations which crowded on his mind, and which would afford a moral justification of our interference. He would repeat, that he did not deny the right of a foreign state to recognize the possession of the sovereign authority in either of the contending parties in a state, acting at the same time with neutrality to both; but there were departures from that neutrality in a tone and temper in which one of the parties was spoken of in the present case, which was to be deplored, however unintentionally it might have happened; but if it were intentional, it would require the application of a stronger word in its condemnation. He did not complain of a breach of neutrality towards the contending parties in Portugal by our government; but he did complain, that in the publication of the notice of the blockade of Oporto, there was a use of technical formality, which, though not intended, had a tendency injurious to the one party, and highly beneficial to the atrocious designs of the other. In this sense he condemned the late notification of the blockade. He did not mean to say, that the government were not bound to give substantial warning to all British subjects of the risk to which they might be exposed by entering the harbour of Oporto but, he contended, that they might have done it without all that parade and technical formality, which would be used in noticing a blockade by powers whose authority was legitimate. To apply all those technical terms in noticing the act of a ring-leader of rebels was calculated to produce false impressions as to the light in which his conduct was viewed by the party using them. He could not see what more was necessary than the most informal mode of announcing the fact, that the commerce of Oporto was interrupted, and that merchants entering the harbour would not be secure. He did not see why it might not have been intimated—not by our ambassador, for his functions were suspended—

but by some of the captains of our ships on that coast, that his majesty would not take any part in the contest going on in the country, but still that he was so circumstanced with his ally the king of Portugal, whom alone he recognized as the sovereign of the country, that he would not allow the commerce of his subjects with a part of the kingdom to be interrupted by either party, until the opinions of his majesty Don Pedro should be ascertained. This would not be an infringement of the neutrality which we might be disposed to observe to either party. This case of the present state of Portugal was not like any of those to which it had been likened. Both the contending parties claimed the same authority for their acts: one of them had fraudulently assumed that of Don Pedro, and the other was acting in obedience to the constitution which he had given. The dispute was, with which the authority lay. In this case, it would have been quite sufficient for us to have said—"Without taking any part in this dispute, we will not allow either of you to interrupt the commerce of the ally of your sovereign but will wait until the will of that sovereign shall be known." This, without a single act of violence, would have been sufficient on our part. He would not ask how far this was done. The usurped authority of Don Miguel was not more than four weeks old when he declared the blockade of Oporto. Now, would it be contended, that his was legitimate authority at that moment—a moment when he had renounced the only legitimate power he had? He was not aware of any precedent in the history of nations, where foreign states had recognized so green a usurpation of power. If no limitation of time was necessary to the recognition of a power assuming the supreme authority, a banditti getting possession of a number of fish-boats, and declaring any small port in a state of blockade, at the mouth of which they might bring their force, would have a claim to rights of blockade; and we should be bound to recognize the legitimacy of the claim. He had also a strong objection to a ring-leader of rebels being styled the prince regent of Portugal. What was the meaning of those words? Did they not imply, that the person of whom they were used was exercising legitimate authority? He did not say, that jurists would construe the recognition of the blockade into a recognition of the authority of the party declaring it; but when that blockade was admitted, and when the party declaring it was styled "prince regent of Portugal," would it not convey an idea that the legitimacy of the act was admitted? We had used the very title which he himself had used. What could he and his partisans desire more? It was most important, that in all wars a great state should not lightly make a recognition of the legitimacy of the authority of a party claiming sovereign power; but in popular warfare, the danger of lightly making such recognition was ten times worse than in any other. The leading men of a government might not be misled by such a course as we had taken in the case of the blockade of Oporto; but how would it be understood by the ignorant multitude—by a Portuguese multitude? Would it not be considered as a recognition of the acts done by Don Miguel. He would put it to the right hon. gentleman opposite, whether the course which had been adopted was not calculated to have an effect on the temper and feelings of multitudes? We had not received the notice of the blockade of Portugal through the regular diplomatic channel; there was therefore no occasion for the manner in which we had noticed it. There was no instance of a country where the same course was adopted in the case of a disputed title to the sovereign power. We never, on those occasions, had adopted the title by which the parties claiming the power designated themselves. Was it fair then that the exception should be made in favour of Don Miguel? Was he entitled to it by his rebellion against his father and brother—by his cruel and oppressive conduct in public and private—by his repeated perjuries and his breach of faith with all the powers of Europe? He did not charge government with intending to advance the treasons of Don Miguel; but he complained of their conduct as having that tendency. This course, taken in the face of Europe, was one of deep regret, and required explanation. He would not say, that we should refuse to give to Don Miguel his proper title; but would it be contended, that because the title of prince regent of Portugal was a just one before he broke faith, that it was so afterwards? It should have been avoided, since it had a natural tendency to perplex men's minds in Portugal. But, was he entitled to be called "prince regent" since the month of May? If so, why had the diplomatic intercourse with the country been interrupted? He held in his hand a passport, in the name of Don Miguel 1st, dated on the 7th of May last. Was it true, then, that he was king of Portugal and prince regent of Portugal at the same time? The titles were incompatible: the acceptance of the one was a direct abdication of the other. In the Lisbon Gazette would be found a variety of addresses, imploring him to take upon him the title of king. He would not rest even on these facts. On the 3rd of May, Don Miguel published a decree, convoking the ancient Cortes, and the object for which they were called together was to consider of a constitution. Now, this was as an act utterly incompatible with his authority as prince regent of Portugal. It was a treasonable assumption of much higher power. He would suppose the case of a lord-lieutenant of Ireland, in the year after the Union, issuing his proclamation for the assembling of the Irish parliament in Dublin. Would not such an act be instantly declared treasonable? But if, in addition to this, the same person were to issue a decree, declaring Liverpool in a state of blockade, what power would recognize it? Would not such acts put an end to his character as lord lieutenant of Ireland? No one could deny, that the whole of such a proceeding would be considered treasonable. He would go the length of saying, that the acts of a foreign prince should be scrutinized by other states, to see whether he had or had not observed the constitution he had sworn to defend; but there were some acts which were so flagrant, that their import could be no longer doubtful. This was the case in Portugal; and of the conduct of Don Miguel, there was but one opinion with a majority of the Portuguese nation. The ambassadors from the courts of Europe, at Lisbon, were of the same opinion; and the ambassadors from Portugal at other courts looked upon the acts of the prince, as a rebellion against the authority of their lawful sovereign. To prove that there were circumstances in this case which would justify the interference of foeign powers, he need only call the attention of the House to what took place at Vienna in October last, and in in which originated the return of Don Miguel to Portugal. He did not know officially the circumstances he was about to state, and he violated no confidence in mentioning them to the House. On the 8th of October a conference was held ar Vienna, at which were present Prince Metternich, representing the Emperor of Austria, lord Cowley (at that time sir H. Wellesley), on the part of the king of England, and the count de Villa Real, representing Don Miguel. The basis of this meeting was a note read by the count Rezende, the minister of the Emperor of Brazil, appointing Don Miguel to the regency of the kingdom of Portugal. On the 12th of the same month it was announced, as the result of the proceedings of those ministers, that Don Miguel had accepted the regency, and that he had declared it to be his intention to exercise the duties of regent according to the charter, which had been given by his brother Don Pedro. Now, he would contend that this, though not in form, was in substance a treaty, and as binding on Don Miguel as if it had been carried through all the forms of such a document. Indeed, if he had not been misinformed, Don Miguel himself had, a few days after, declared in person to the Emperor, that it was his determination to maintain the charter. Soon after he wrote to his brother Don Pedro, that it was his intention to proceed to Lisbon, to take upon him the authority with which he had been invested, and to exercise it according to the provisions of the constitutional charter. On the 19th of the same month, it was announced, that he would speedily repair to Lisbon; and this fact was not only communicated officially to the Emperor of Brazils, but also to the kings of England and France, and even to the king of Spain. This, he repeated, was in effect a treaty, and the condition of it was, that on his promise to observe the charter, he should be permitted to return to Portugal. This promise was given on his part, and he was bound to fulfil it. It had been contended, that the parties to the conference had no right to exact such a condition. He denied the fact. Those powers had a perfect right. They were interested in preserving the peace of Portugal, and the peace of Europe; and they had a right to take such steps as would best tend to promote those objects. He did not say that those courts were bound to interfere in consequence of the non-fulfilment of the conditions which were annexed to their consent, but he did contend, that their interference, if they chose to make any, would be justified by those circumstances. There was another circumstance on which he touched with great unwillingness. He alluded to the untoward correspondence of a noble individual, holding a high appointment under the Crown. It was well known, that the person to whom part of this correspondence was addressed, had represented in Lisbon, that the secret views of our government were at variance with their avowed policy, and that they were disposed to favour the cause of the rebels. God forbid he should insinuate, either that such was the fact, or that it was the wish of the noble person in question, that it should be so understood; but there could be no doubt that the thing was so represented in Lisbon; and that the effects of that representation was highly injurious to the cause of the constitutional charter. When he considered the characters of the two men who were successively ministers at Lisbon, he could not doubt that one, if not both of them, had communicated to the government the effect produced in Lisbon by the correspondence of the high officer to whom he alluded, and the very bad use that was made of it. He could not suppose that two such men as lord Heytesbury and sir F. Lamb could have been acquainted with the effect of this correspondence, without communicating the fact to government, that such gross misrepresentation had been made of the correspondence of the noble lord, and of the views and intentions of our government. He had alluded to the fact for the purpose of impressing on the House the necessity of caution on the part of government, in abstaining from every thing which could have the appearance of partiality. The very last accounts shewed us, that the agents of the usurper had declared, that although the noble lord, to whose correspondence he had alluded, had dissuaded Don Miguel from the step he took, yet nevertheless, he as well as the British government, were secretly favorable to their plans. There was one point more to which he would allude. He would not either blame or approve of the withdrawal of the British troops from Portugal; but seeing that that circumstance had occurred at the very moment when the usurpation took place, and coupling it with the fact, that representations were at the same time circulated through the country, that some of the highest servants of the British government were, by their correspondence, countenancing the usurpation, which must have had a powerful effect in disposing the people of Portugal to watch the language of the British government with respect to the conduct of Don Miguel, it ought to have led to the exercise of the highest degree of caution in drawing up the notification. He never should have forgiven himself, if he had not stated his opinions fully on the subject; and it would afford him the greatest pleasure to have his doubts removed.

Mr. Secretary *Peel* said, that in replying to the right hon. gentleman, he would endeavour to avoid any expression which could be construed to be inconsistent with his former declaration, that the highest disapprobation was felt by his majesty's government at the course which had been pursued by Don Miguel. He must, however, contend, that it was the policy of this country, in cases of this nature, not to seek out for exceptions to the great general principles, but to observe that course of conduct which we wished to be observed with respect to us, under similar circumstances, and that course, too, which was consistent with the doctrines which must be held as governing the practice under international law. It might be very unfortunate that certain inferences should be drawn from particular expressions. It might be, that the Portuguese multitude were so ignorant as to be liable to draw those inferences. It might be, that a correspondence had existed which had led to false expectations; but it was the duty of the English government, in determining the course they should pursue, with respect to the notification of an effective blockade, to put all such extrinsic circumstances out of view. Now, with respect to the correspondence to which the right hon. gentleman had alluded—before the notification to British merchants of the existence of the blockade, he, as the organ of the government in that House, had expressly declared, that lord Beresford, in whatever he had written, had no authority whatever to express the sentiments of any confidential adviser of the Crown. But when the right hon. gentleman put a construction upon the correspondence of lord Beresford, he begged the House to have some regard for the declaration of his lordship himself, and not to adopt the construction which was made by parties interested in making it unfavorable. Lord Beresford had not only stated in his correspondence that he was not authorized to speak the sentiments of any minister of the Crown, but had expressly abstained from giving any countenance to any attempt to overturn the constitution in Portugal. Then, as to the fear of any misconstruction of the real sentiments of the British government arising from the terms made use of in the notification of the blockade, he thought he had distinctly declared their total disapprobation of the course pursued by Don Miguel. If the expressions of ministers were not sufficient, was not the formal suspension of the functions of our ambassador satisfactory evidence on that head? Even if the expressions were incautious, in which it had been notified to British merchants, that an effective blockade existed, could that countervail the moral force of the declarations previously made, of the disposition of the British ministry. The right hon. gentleman did not find fault with the notification of the blockade. He admitted it to be very possible, that there might have been no other course open to government; but he quarrelled with the particular expressions in which that notification was made. The right hon. gentleman had, indeed, intimated that another course would have been more agreeable to his feelings; though he doubted whether it would have been more consistent with the advice which the right hon. gentleman would have given to the Crown, if he had been called on to do so. He could not help thinking, that the course recommended by the right hon. gentleman would be much less prudent than that which had been pursued. The right hon. gentleman advised the observance of perfect neutrality; and that we should publicly notify, that we would respect the blockades of neither party, considering them to be utterly inconsistent with the rights of British merchants. That, in fact, would be a declaration of war against both parties. If the principles advanced by the right hon. gentleman were to govern the country, we should soon be involved in wars in every corner of the globe. The right hon. gentleman wished, that the term "blockade" had not been made use of; but that it had been merely intimated, that the port of Oporto had been placed under interdiction. He did not know what other term could be used to describe an effective blockade. It was the term always used, but the right hon. gentleman said that it implied the recognition of a legitimate and perfect authority [No, from sir J. Mackintosh]. He had taken down the words, and could not be mistaken. If the right hon. gentleman admitted that to be the fact, it was impossible to draw any unfavourable inference from the use of that term with respect to Oporto. There was no legitimate, recognized authority in Greece when the persons exercising the powers of government there declared Napoli di Romania to be in a state of blockade. The British government, although we had no established relations with the persons exercising the government in Greece, recognized that blockade. Sir F. Adam told the British merchants, that if they violated the blockade they could make no claim for restitution or compensation. Again, the persons exercising the powers of government in Chili in 1819, with a most inadequate force, determined on a blockade of about 500 leagues of coast. The fact was never notified to us, but arrived, he believed, through the channel of the newspapers; nevertheless, government thought it their duty, in fairness to British merchants, to notify the existence of the blockade.—They did not, however, notify that the blockade was effective, because it was admitted not to be effective. If the blockade had been confined to the port of Callao, instead of extending over five hundred leagues of the western coast of South America, it would have been respected as an effective blockade. If, then, the term which had always been used, was employed in notifying the blockade of Oporto, how could it be contended that an unfavourable use could be made of the circumstance. He was therefore warranted in saying, that there was nothing in the objection of the right hon. gentleman, with respect to the use of the term "blockade." The right hon. gentleman then said, that we ought not have stated that the blockade had been instituted by the Prince Regent of Portugal. But before the British government could resolve on disclaiming the designation usually applied to a person exercising the powers of government, it would be necessary to take into consideration a variety of circumstances. At the time when intelligence of the blockade arrived in England, the functions of our ambassador were suspended, it was true: but he had not then, nor up to the present moment, been withdrawn. The British Consul also remained. We had marked our disapproval of the conduct which Don Miguel had pursued, and the suspicion which we entertained of his intentions; but as yet no step had been taken by the British government, tantamount to a declaration that executive authority in Lisbon was dissolved. It was not for him to say when the period would arrive which would warrant the making of such a declaration; he would only state, that it had not been made when the intelligence was received of the blockade of Oporto. In consistency with the course which the government of this country was pursuing, they were bound to give Don Miguel the title by which alone we had recognized him;—namely, that of Prince Regent of Portugal. What remonstrances the British government had made against the course which Don Miguel was pursuing—what hopes might have been entertained of the effect which those remonstrances, combined with the almost unanimous voice of Europe, would produce on the mind of the young prince, to induce him to abandon his criminal intentions, it was unnecessary then to state; but he thought that those who viewed the subject dispassionately, would admit, that it was not for a foreign government, even with reference to those most improper acts; namely, the presentation of addresses in which Don Miguel was requested to assume the title of king—to declare that the government in Portugal was dissolved, by denying the title which had been delegated by the sovereign of that kingdom. The more prudent course was to try, in the first instance, the effect of the strong remonstrances which had been made on our part, and the combined remonstrances which had been made on the part of the other great powers, rather than to declare that all our relations were broken off; which would be tantamount to a declaration that authority was at an end in Portugal. All our ministers were still in Portugal. Our consuls were in communication with the officers of the government acting under the authority of Don Miguel. In conclusion, he denied, not only that any thing had been done by the British government which was calculated to imply the slightest approbation of the course pursued by Don Miguel, or inconsistent with the previous declarations made by the government, of their total and unqualified disapproval of that course of conduct.

After a few words from Dr. Phillimore, the House went into the committee of Supply.

ADDITIONAL CHURCHES BILL.] The *Chancellor of the Exchequer*, in moving the second reading of this bill, thought, after the objections which had been made to it, it would be better, at that late period of the Session, to postpone it. He was, however, anxious to go into a committee, to explain the nature and objects of its clauses.

Mr. *Leycester* hoped the right hon. gentleman would give up the bill. It was highly objectionable. Amongst other things, it gave the churchwardens a right to tax the parishioners; which in itself was a flagrant violation of private property. All acts of this kind only proved how nugatory was the attempt to thrust religion down people's throats. To all such attempts he would answer, "*Quodcunque mihi sic ostendis, incredulus odi.*" This interference of the church, so selfishly and so constantly, was both disgusting and intolerable.

Mr. *J. Wood* opposed the second reading, and called on all who wished to support the respectability of the established church, to rescue it from the odium which its enemies were so eager to heap upon it.

Mr. Alderman *Wood* wished the right hon. gentleman would decline the assistance of interested advisers. In many parishes one of the churchwardens was appointed by the rector, who was directly interested, and the other by the parishioners. There was no appeal from their decision. The state of things, in this respect, was deplorable in many parishes. He himself had sat for days, hearing the cases of more than two hundred people in one parish, who were told by the churchwardens, on being summoned for poor and church-rates, "The church-rates you must pay, at all events, whatever becomes of the poor-rates." He should oppose the bill in every stage.

Sir *C. Cole* was favourable to the clause which prohibited burials in churches.

Mr. Alderman *Waithman* hoped the right hon. gentleman would consent to withdraw a measure so objectionable in its principle.

Mr. *Warburton* concurred in the same hope.

The *Chancellor of the Exchequer* said, that the bill instead of conferring new powers, went merely to give effect to those already recognized by parliament. It rather went to relieve the parishioners from unequal taxation, than to impose it upon them.

Mr. *R. Gordon* condemned the clause, which went to enable churchwardens to levy monies for ecclesiastical purposes.

Dr. *Phillimore* objected to the introduction of such a bill at so late a period of the session.

Dr. *Lushington*, although he did not approve of the whole of the measure, should vote for going into the committee. He was convinced that were his hon. friends to inform themselves respecting the operation of the existing law, and contrast it with the provisions of the proposed bill, little opposition would be offered to the measure. With respect to patronage, he hoped he should never see the right of appointment placed in the hands of a body of parishioners, which would reduce a clergymen to the necessity of undertaking a very degrading species of canvass.

Mr. *Hume* thought it a bad symptom, when clauses so open to abuse could be considered an amelioration. He regretted that the learned doctor had expressed himself unfavourable to the election of clergymen by their parishioners; but his chief objection to the bill was, that it alluded to so many acts of parliament instead of consolidating those acts, and thus complicated instead of simplifying the state of the law. He thought it would be better to postpone the bill, than pass it in so crude a state.

Mr. *Sugden* supported the bill. He did not entirely approve of the clause which limited the recovery of compensation for private rights to five years. He agreed in the principle, that no time should run against the church; because it was not a privilege to the church but to the public. He thought, that the moment a church or chapel was built, it should be good for ever against all the world. But still he thought a provision should be made against taking any man's land improperly. He would not have a church or chapel, built for the benefit of the community and at their expense, seized and taken into the possession of the person to whom the land might belong; but he should be compensated for the value of the site. He entirely disagreed from the hon. gentleman as to the propriety of electing the ministers of parishes by the people. There was not a single instance in which the right had been exercised, in which it had not been attended by disgraceful and disgusting circumstances.

Sir *F. Burdett* said, that the bill was brought in so imperfectly, that no two persons could agree upon any part of it. The learned gentleman who spoke last had given a very good reason why the bill should be postponed; for if there ought to be a clause to indemnify the owners of disputed land, they surely ought to give time for such an alteration. But his learned friend who had spoken before was quite enamoured with the bill. Still, however, he thought, with all due respect for his opinion, that at that late period of the session the measure should be permitted to drop for the present. The strongest objection to the bill was, that it did not consolidate the various laws which now existed on the subject: time should be given for that purpose, and the occasion was not so pressing as to call upon them to pass the bill "with all its imperfections on its head." With respect to the choice of clergymen by their congregations, he should only say, that the few things of that kind in his own gift he had always disposed of upon that principle, and he had always found it productive of the greatest harmony. There was certainly no objection to it upon principle, for it had been the original practice, and, as far as he could judge, that practice was likely to be attended with the best effects.

The question for the second reading being put, Mr. Hume moved, as an amendment, that the bill should be read a second time that day three months. The House divided: For the Amendment 28; Against it 66; Majority 38. Another division took place, on a new amendment, that the bill should be referred to a committee above stairs. The numbers were: For the Amendment 33; Against it 69. Another amendment, was "That the bill be committed on that day three months."

Lord *W. Powlett* said, that to the principle of this bill he was entirely favourable; but as the right hon. gentleman would not yield to the wish of the House, and as it would be impossible to pass the bill in the present session, he should feel it his painful duty to vote for the postponement.

Mr. *John Wood* said, that a few nights ago, he had heard the member for Wareham (Mr. Calcraft), whom he now heard crying "question!" boast, that, sit on which side of the House, he might, he would still support the principles he had always advocated; yet now the right hon. gentleman was the first to cry "question!" when the rights of the people were at stake. If this was an omen of the change of principles that resulted from his change of seat, he wished the right hon. gentleman joy of it. He had risen to show, that the bill was not only objectionable in principle, but amounted to a breach of faith. When a million of money was granted for the building new churches, it was stated that no additional expense should fall upon the parishes; but now after that million and an additional half million had been granted, this scandalous breach of faith was about to be committed. We had already a Church Establishment more overgrown than that of any other country in the world. This bill went to increase its patronage, to a monstrous and indefinite degree; and yet we were told, that if we allowed it to go quietly into the committee, we might there see it in a corrected state. He entreated the right hon. gentleman to postpone the further consideration of this measure till next session.

Sir *J. Brydges* hoped that the right hon. gentleman would not postpone the consideration of this measure. Gentlemen had that evening evinced a disposition to pull down the Church Establishment of the country [loud cries of "hear"].

Mr. *Spring Rice* protested against the speech of the hon. baronet. What right had the hon. baronet to attribute motives to gentlemen, which they were as incapable of feeling as the hon. baronet was of sympathizing with the motives which really actuated them? They disclaimed any wish to pull down the church property; on the contrary, they were the real friends of the church, and the best guardians of its property, who opposed measures which were calculated to produce discontent and irritation between the church and those who belonged to its communion. All that was asked for, was time to submit this bill to the examination of a committee above stairs.

Mr. *O. Cave* said, he was sure the chancellor of the Exchequer, if he knew the strong feeling of hostility to this measure which pervaded the country, would not attempt to pass it this session.

Sir *R. Wilson* said, he had read the bill, and found it to be much worse than he had anticipated. He wished the right hon. gentleman would consent, in the first place, to modify it in the committee, and, in the next, to let the country have full time to consider its details.

Sir *James Graham* objected to the bill entirely. In zeal towards the church, and in a determination to uphold it in all its just rights, he would not yield to any one; and it was with that feeling that he could not uphold any measure that the unwise friends of that church might bring forward, to enable it to grasp more power and greater revenues than it already enjoyed. Such appeared to him to be the character of the present measure, and on those grounds he should oppose it. The hon. member for Preston had appealed to the right hon. gentleman opposite (Mr. Calcraft) in an angry tone; but he had so long entertained a friendship for that right hon. gentleman, that he was willing to give him credit for every pledge that he had entered into (notwithstanding his change of place in that House), till he saw that they were falsified; and it was on that ground that he should call on the right hon. gentleman to use his influence with the chancellor of the Exchequer to induce him to accede to the wish that had been expressed.

Mr. *Calcraft* said, he felt much gratified at what had fallen from the hon. baronet with so much courtesy and kind feeling. His hon. friend had hoped that he would intreat the chancellor of the Exchequer, not only to delay, but to abandon the present measure: but he was sure that many hon. friends of his, would recollect, that he had been friendly to the original measure of building additional churches. It would therefore be seen, that he could not, consistently ask the chancellor of the Exchequer to arrest the progress of a measure, the effects of which would be to amend and improve a proposition to which he had given his support. All the objections now urged against this bill would be properly urged in the committee, because they only affected its clauses, and did not touch its principle; and it was to the committee that he would urge his right hon. friend to proceed with all the speed allowed by the forms of the House.

Mr. *George Lamb* wished to know what urgent necessity there was to press the bill through the House during the present session. The former grants had not been expended; the commissioners had yet 500,000*l.* in hand; and surely it was little to ask the right hon. gentleman to wait till the next session. Then, if the bill had that beneficial character which the right hon. gentleman attributed to it, he might bring it in with the joint support of the country and of the House. He believed that, if the right hon. gentleman persisted in attempting to force this bill through the House, he would not succeed in his attempt; but if he did succeed he would lose his popularity.

Mr. Alderman *Waithman* said, the chancellor of the Exchequer might assure himself that if this measure were persisted in, the question would not be decided at an early hour, either on that evening or on any other. The right hon. gentleman would surround himself with difficulties from which he could not extricate himself. Why should the bill be pressed through parliament at that late period of the session? Let time be afforded to the House and the country to become acquainted with its principle and details.

The House divided: For the Amendment 38; Against it 82; Majority 44.

Mr. *Hume* said, he would move, that this debate should be adjourned until to-morrow, that he might have an opportunity of moving, that the 500,000*l.* which had been voted for the repairing and building of churches, and which had not as yet been expended, should be returned to the Exchequer.

Sir *W. W. Wynn* said, he thought it was extremely hard that a bill of this importance should be introduced at that late period of the session. He would oppose it now; but he would not thereby pledge himself to oppose it in a future session.

Lord *Sandon* said, his impression had been in favour of the bill, but that impression had been much weakened, after the arguments he had heard. Under all the circumstances, he was of opinion that they should not now proceed further with the bill, than the reading of it a second time, and committing it *pro forma.*

Mr. *Monck* said, he entertained the strongest objections, not only to the principle but to the details of this measure. The church should not be maintained by the imposition of new taxes. It should derive its support from the voluntary contributions of the opulent, and not from a compulsory assessment levied upon the poor, and in most instances upon the great body of the Dissenters. The grand fault of the church was, that it relied too little upon the people for support, and too much on parliament and the State. The whole argument in favour of this measure proceeded upon the fallacy—that the true way to support the church, and to augment its revenues, consisted in imposing new taxes on the people. They were the real enemies of the church who would place it before the country in the odious light of a tax-gatherer.

Dr. *Phillimore* expressed his approbation of the principle of the bill; at the same time it required deep consideration, and that a consolidation of the ecclesiastical acts on the subject should be effected.

The *Chancellor of the Exchequer* said, the bill had been characterized as imposing a tax; but the fact was, that it imposed no additional burthen. With respect to the clause authorizing money to be raised for ecclesiastical purposes, he denied that it gave more power than was previously in existence. He could not see why the bill should not be allowed to go into a committee, where he would have an opportunity of satisfying gentlemen as to its precise nature and objects.

Sir *F. Burdett* said, there was not a clause in the bill, except that which related to interment within a certain distance of the church, which he did not object to. With that exception he defied any gentleman to come at the true and accurate meaning of any one clause. Now, in his opinion, a bill in such an imperfect state, was not fit to go to a committee. The only mode of dealing with it would be to refer it to a committee up stairs, and he hoped the right hon. gentleman would consent to adopt this course. The propriety of delay was shown by what had occurred since the House had been debating the measure. During the discussion a petition had arrived from Manchester against the bill, drawn up as if the petitioners had foreseen the reproaches that would be urged against those who opposed the bill. The petitioners objected to the bill on account of its tending to increase the church rates; which was not only unjust towards the rate-payers, but tended to diminish in the public mind the respect due to the church. This was a providential vindication of those who opposed the bill against those who said they wished to injure the church. He was as staunch a friend to the church as any man, in justice and reason; but he understood by the word "Church," not the stones, or the building, or the priest, but the congregation. He hoped the contest between them would end here, and that the next time the measure was brought before them, the right hon. gentleman would be prepared, having consulted with the Secretary of State for the Home Department, to say that the bill should not be proceeded with at that late period of the session.

The House then divided: For Adjourning the Debate 42; Against it 73; Majority 31. Mr. Alderman Wood next moved, "That the House do now adjourn." Upon which the House, after a short conversation, divided: Ayes 41; Noes 64; Majority 23. The main question, that the House should go into the Committee on Thursday, was then agreed to.

HOUSE OF COMMONS.

Tuesday, July 1.

Case of the Baron de Bode—Commissioners of French Claims.] Mr. *Stanley* rose, pursuant to notice, to move that the petition of the Baron de Bode be referred to a committee. The petition was from the Baron de Bode, a British subject, stating that his property in Lower Alsace, had been confiscated by the French Government in 1793; that he had preferred his claim for compensation before the Commissioners of Claims, and now complained of the award made by those commissioners. It was to him an unpleasant task to submit any motion which would take a large sum of money from the pockets of the people, and also to have to complain of the conduct of public men in the award they had given. Yet he had one ground of encouragement. It was, that he pleaded the cause of moral and substantial justice, and that, without reference to forms, it would be decided by that House on principles of public honour and good faith. One of the great difficulties of the case was, that he had to show, not merely an error of judgment in the commissioners, but that they had opposed the claim of the petitioner by vexatious and frivolous delays. Of the commissioners he personally knew nothing; he was even ignorant of their names until he had taken up this case;—but his knowledge of the facts connected with it justified him in stating, that their proceedings were most arbitrary, and that their award was founded upon a misconstruction, amounting almost to a falsification of evidence. The House were aware, that by the convention of November, 1815, framed in accordance with the treaty of peace between Great Britain and France in 1814, it was agreed that the sum of seventy million of francs should be placed at the disposal of a mixed commission, half English and half French, for the purpose of indemnifying British subjects for losses of property in France, in consequence of the French Revolution. It was stipulated also, that the time for British subjects to bring forward their claims was, for those residing in Europe, three months from the date of the commission, which was the 20th of November. The petitioner, who was then in the Russian service, caused, on the 9th of February, petitions, containing an amount of his claims, to be presented to the French government, through the duke de Richelieu. Some difficulty arose, in the first instance, as to whether or no he was a British subject, and having waited on our ambassador at Paris, and satisfied the duke through him as to that point, he received an answer on the 18th. In consequence of this delay, the 22d of February had arrived, before he had an opportunity of seeing the commissioners.—Here a new difficulty met him; for he was told, that he was a day too late, as the time in which British subjects residing in Europe were to prefer their claim, had expired on the 21st. However, in consideration of the circumstances, this difficulty was overlooked; he having afterwards obtained a certificate from the duke de Richelieu, stating that the claim had been preferred to him within the proper time. He also produced to them a register of his baptism from Uttoxeter, in the county of Stafford, and then he fully made his claim for compensation, for his prospects at Soultz-sous-Foret, in Lower Alsace. In the October of this year, he received a letter from the commissioners stating new objections, one of which referred again to the question of nationality. It was also urged, that this estate did not form part of the French territory in 1792;

and it was again objected that the claim had been made a day too late. It seemed wholly to have escaped the recollection of the commissioners, that that objection had been over-ruled in Paris; but their geographical error, as to whether Alsace formed part of the French territory was corrected; and the question of nationality decided by the opinion of sir S. Romilly, who declared, that the baron de Bode was a naturally born subject of Great Britain, and entitled to all the rights and privileges of a British subject. In 1818, it was found that the sum already applied by the French government was insufficient to satisfy the claims made, and a further sum of sixty million of francs was placed at the disposal of a set of English commissioners, to be taken as a full compensation of all the claims which had been or might be made; the surplus, if any, to be placed at the disposal of the Lords of the Treasury. In 1818, the commissioners again objected, that the name of the petitioner had not been entered in the register in France in 1816, and that it was then too late.—Now, he would contend, that the commissioners, if this were so, had acted most illegally; for if it were not so entered, they could not have legally entertained the claim from the beginning; but he would prove, that they were incorrect, and that they must have known that his claim had been registered. It would appear that there were two thousand two hundred and thirty-seven claims, and that of these that of the baron de Bode stood No. 1,130: but it was impossible it could have so stood, if it had not been entered in the register at first. He would not, however, confine himself to inference on this point—he would put it beyond all doubt. In April, 1825, the baron made an application to the French government, under a law passed for indemnifying French proprietors of land for their loss of property which had been confiscated and sold for the benefit of the state, under the orders of the revolutionary government against emigrants and others. The answer to his application was, that the baron de Bode, being a British subject, had no right to present his claim as a French emigrant. That, however, was a difficulty which might be easily got over; he being well known to have been the owner of the property for which he claimed; but it was added, that there was a difficulty impossible to overcome, that of the baron having claimed indemnity as a British subject, under the convention of 1815, and having been acknowledged by the French commissioners at that time as a creditor of France, and his name registered by the mixed commission at Paris—the commissioners having by their secretary already denied that his name was registered; here, however, they had the authority of the French government that it was, and that he had been admitted as a British claimant. The answer of the French government went on to state, that the claims of the baron were provided for and included in the funds created to discharge the claims of British subjects, and put at the disposal of the British government for that purpose; and that, therefore, he must seek redress from that government, as it could not be expected that France should pay the same debt twice over. Now, he contended, that the British commissioners had acted wrong; that the money had been paid to them to satisfy all claims; and that they were bound not to oppose, by any vexatious delays, those who had a *bona fide* claim. The conduct of the commissioners, it appeared, changed afterwards. On the 3rd of July, 1819, they wrote to the baron, telling him to bring forward his proofs; but no notice was given him as to what the nature of those proofs should be, until the 1st of August, 1821, when he received another notice, that if his proofs were not produced within three months from that time, his claim would be struck out. However, they did extend the time to the January following, and they made a great merit of so doing. It would be necessary to bear in mind the difficulties with which this gentleman had to contend.—He was labouring at that time under considerable pecuniary embarrassments, from the expenses he had already incurred; and now he was to travel over one thousand two hundred miles of country, and to search in a province which had been twice ravaged by war, for documentary and other evidence, to prove all the minute details of the value of his farms, mines, woods and forests, at the period when they were confiscated; and for all this he was only allowed four months.—The hon. member then referred to another part of the conduct of the commissioners, which he considered was extremely objectionable. It was, that in 1822 the commissioners threatened, that they would grant no further extension of time, unless the baron consented to a considerable reduction of his claim. This fact would be found in the affidavit of Mr. Hinde, a gentleman who had considerably interested himself in forwarding the baron's claim. On the 28th of February, when Mr. Hinde called at the baron de Bode's lodgings, for the purpose of accompanying him to the continent, Mr. Brackenbury received a communication from the Board of Commissioners, signed by the secretary, stating that if he could not pledge himself for certain, that baron de Bode was actually set off to France in search of documents, they would retract their further extension of time, and erase the baron's name from the list of British claimants on the 1st of March. If that was not arbitrary conduct he knew not what was. The baron did proceed to France to obtain the evidence necessary to establish his claim, and transmitted to Mr. Brackenbury certain documents. On the 1st of April, Mr. Brackenbury wrote to the commissioners—" Gentlemen, I enclose you sixteen documents in support of the claim of the baron de Bode, which arrived on Saturday afternoon.—There are other documents of great importance which the baron was in progress of obtainment." On the same day the commissioners wrote an answer to Mr. Brackenbury, through their secretary :—" Sir, I am directed by the Commissioners to acknowledge the receipt of your letter of this day's date, transmitting a mass of papers in support of the claim of the baron de Bode, and in reply to inform you, that in these papers they consider that there is no proof whatsoever adduced, that the property in question was seized in virtue of the decrees of confiscation and sequester against British property. I am accordingly to notify to you, that if you are prepared to give any direct and formal pledge to the Board, that among the expected documents there are to your knowledge any which will go to establish the fact, that he lost the property in question by confiscation and sequester, in virtue of the decrees issued against British property in France, the Board will allow the further period of one fortnight from this date, for the arrival of such documents ; but if you are not prepared to give any such pledge, the commissioners will consider it their duty to notify their award forthwith." Upon the receipt of this, Mr. Brackenbury wrote to the Commissioners, requesting them to grant further time to enable the baron to be heard by himself or counsel, before any ultimate proceedings were adopted. On the 18th of April, the Board replied, that they would hear the baron de Bode by himself or by his counsel on the Wednesday following ; and stated, that they entertained a strong feeling of the urgent necessity of coming to a final decision on the case. Why did the commissioners feel that necessity ? Because they knew that delay would be prejudicial to the view which they had beforehand determined to take of the case. On the 26th April, 1822, the commissioners signed their award of the rejection of the baron de Bode's claim. The petitioner having determined to appeal to the Privy Council, he received an official communication from the commissioners to the following effect :—That it being his intention to support his appeal before the Privy Council with new evidence, they informed him, that any attempt to infringe the act of Parliament by the production of additional evidence before the Lords of the Council, would not only be fruitless, but most probably would occasion the immediate dismissal of the appeal. This appeared to him to be most extraordinary conduct. It was for the Privy Council to inform the baron, that the mode in which he proposed to prosecute his appeal was not legal ; but for the commissioners to step in and endeavour to prevent an appeal against their own injustice, was a stretch of arbitrary power which he trusted the House would not sanction. On the 23rd of June, 1823, the appeal was heard ; and the appellant not being allowed to produce the important evidence which the commissioners would not wait to receive, before they made their award of rejection, the Lords of the Council confirmed that award. The baron then applied for a rehearing of his case, and, after numerous postponements, the question came on to be argued on the 6th of May, 1826. The counsel confined their arguments solely to this question,—whether, under the act of parliament, the Council had the power to grant a re-hearing ; and the Council decided—and he thought justly, according to the terms of the act—that they had no such power. Their lordships, however, accompanied their rejection of the petitioner's claim, with the expression of their extreme commiseration for his case. Thus did the commissioners, by refusing to allow the baron to produce additional evidence, not only prejudice his case as it stood before them, but prevent its being heard elsewhere.—The House of Commons was now the only party which had the power of doing justice to the petitioner. The commissioners, in stating the proofs they would require from the baron, began by throwing out difficulties. They said, first, that the property was described as a German fief; and, if it were so, it could not have formed part of the dominions of France in 1792; and, secondly, that all feudal and seignorial rights were abolished by the French government before 1793. If the commissioners had taken the trouble to examine into the nature of the petitioner's case, they would have found, that the property might have been a German fief, and still in the dominions of France. The property was a seignority, situated in Lower Alsace, which became part of the dominions of France, under the treaty of Westphalia. By that treaty, however, it was stipulated, that all the feudal and seignorial rights and privileges attached to property, should be preserved in the same manner as when the territory was under the dominion of the Emperor of Austria. According to those privileges, the estate in question could not be burthened with debts, mortgages, or incumbrances of any kind. It descended from father to son in the direct line, and, on the extinction of that line, it lapsed to the seignor, who could not retain it, but was bound to transfer it to some other family in Lower Alsace. The Emperor of Austria ceded Lower Alsace to France as Emperor of Austria; but it was expressly stipulated, that he should retain all his seignorial privileges as Emperor of Germany and head of the German Diet. The other difficulty which the commissioners created arose out of their ignorance of the French law, and their neglect of inquiry. The commissioners said, that all feudal rights were abolished in France in 1789. A decree was certainly passed in that year for the abolition of certain feudal rights, consisting of personal services. But this was not done without indemnity. In other words, the services were made redeemable, if the parties chose to make compensation. It was remarkable, however, that Lower Alsace was excepted from the operation of that decree. Amongst the proofs which the commissioners required from the baron was that of the cession:—he was to prove that Lower Alsace was in the territory of France, and that he had granted leases for rent. How the baron could comply with these conditions he was at a loss to conceive; for rent formed no part of a feudal tenure, and it was usually the tenant, not the landlord, who kept leases. The baron was also required to state at what time his property was considered by the French government as the property of a British subject, and also to prove that it was taken away on account of his being a British subject. Thus he was called upon to explain, not only the opinions, but the motives of action of the French government. The commissioners laid much stress on the fact of the father of the baron being living at the time of the alleged cession of the property to the latter in 1791. It was inferred from that circumstance, that there had been an intention to trick the French government. But, by the laws of Alsace, as well as by those of England, property might be held in trust for the son. The cession was proved by thirty-three most respectable inhabitants of Soults-sous-Forets; who declared, that they were present when the late baron de Bode gave up all his rights in the property to the petitioner. He now came to a very important feature in the case. The petitioner was compelled to borrow money from various persons for the prosecution of his claims, and, amongst others, from a person named Richmond, upon a deed. Richmond drew up the deed, and introduced into it many erroneous statements, to which the baron objected as likely to prejudice his claims. He was told, however, that as it was a private deed, it mattered not whether facts were or were not correctly stated; and, as it would have been expensive to have drawn up a fresh deed, the baron contented himself with striking out (previously to affixing his signature) one paragraph, which stated that his father was a Frenchman, and that the property had been seized and sequestered as belonging to him as a French emigrant —which was too gross a misrepresentation to be allowed to stand. The deed with the erasure was attested in the usual manner by two witnesses. The House would hardly believe, that the commissioners ventured to quote the erased passage at full length in their award.—They examined no witnesses, made no inquiry, but quoted the passage alone, as an admission against the baron. After the facts which he had stated to the House, he thought it better to leave the case on its own grounds rather than to endeavour to support it by any reasoning of his own. He implored the House, before they came to a decision which must inevitably consign to misery and destitution, a man who was born the heir to a large property, to the restitution of which he, in his conscience, believed him entitled; who had served with honour and distinction in foreign service; who had never disgraced either his birth or his profession of arms by low and dishonourable conduct—whose sole hope was in the justice of that House, which was the only body on the face of the earth, as his case now stood, that could save him from beggary and destitution, which stared him in the face to such an extent, that at the present moment he hardly knew where to lay his head. He implored them to consent to the motion, and to enter upon an examination of the evidence which could be adduced. The House had the power to call on the commissioners to account for the manner in which they had exercised the power vested in them. He hoped that no attempt would be made to get rid of the case on the ground that, if it were entertained by the House, it would induce a multitude of other cases to be brought forward. He did not bring forward the case on the ground that an injury had been inflicted through an error in judgment. If he proved that the commissioners had dealt unfairly with the petitioner, it would be a monstrous doctrine to say, that the House would not entertain the question, because they had dealt unfairly with many others. He had endeavoured to keep the subject entirely distinct from the question of the appropriation of the surplus. But the existence of a surplus was at least a reason why the House should entertain the case. He was certain that the noble and generous nature of the illustrious personage who wore the crown of these realms would shrink from the application of droits, the produce of oppression, to his own personal convenience, when he might obtain funds from the liberality of parliament, and not, as in this case, smuggled from the cognizance of parliament, and given to support the luxury of the crown out of the privations and ruin of the people. He concluded with moving, "That the petition of Baron de Bode, presented to the House on the 18th of May, 1826, be referred to a select committee."

Mr. *Horace Twiss* said—The disadvantage, Sir, of rising after the hon. gentleman, is much increased by the appeal to the feelings of the House, which he has grounded on the desolate circumstances of the baron de Bode. But as he has admitted, that the question must be decided upon grounds, not of feeling, but of justice, to the justice of the case I will address myself; and of this I am sure, that if justice be really on the side of this claim, neither its magnitude, nor the fear lest others may enter at the same door, will have any operation with any members of his majesty's government. Sir, the claim which is the subject of this discussion is founded, in the first place, on the second article of the Commercial Treaty of 1786, by which England and France agreed, that in the event of a rupture between them, the subjects of each shall have the privilege of remaining and continuing their trade without disturbance; and if the government should be obliged to order them to depart, twelve months should be allowed them to remove with their effects and property. In violation of this treaty, the government of France, at the beginning of the Revolutionary war, seized the property of various English subjects; and the indemnity of those subjects against the effects of that violation, was the object of the convention of 20th November, 1815. On these grounds, the baron de Bode founds his demand for the loss of an estate at Alsace, which was seized by the Revolutionary government, and in which he claims an interest, either in possession or in reversion. The list of claimants was to shut, by the terms of the convention, on the 21st February, 1816; yet the baron's petition of claim was not sent in till the 9th, only twelve days before the close. The French minister considered that he was not a British subject within the meaning of the convention, and the register was closed without his name; but it being afterwards made to appear that he was really a natural born subject of England, the English commissioners pressed those of France to admit his name.—The hon. gentleman having argued that it was not by the French, but by the English authorities, that impediments were thrown in his way, I will read a passage from the baron's own pamphlet. "Having resolved on seeking indemnification for my losses as a British subject, under the conventions, I, on the 9th Feb. 1816, caused petitions, containing an account of my claims, to be preferred to the French government, through the duke de Richlieu, to be by him sent in to the mixed commission of liquidation; but the duke having, in the first instance, objected to transmit them, under a misconception that I was not a British subject, his letter conveying his reasons, dated February the 15th, was only forwarded to me on the 18th. The next day I waited on the English ambassador, the present lord Stuart; and after having explained the merits of the case, I was advised by his lordship to prefer my claims again directly through the English commissioners; and he gave me leave to call, in his name, on Mr. Mackenzie, the head commissioner. I called several times on Mr. Mackenzie, but only met with him on the 22nd of February. I here encountered two difficulties; first, the list of claimants residing in Europe had, in conformity to the convention, been closed the day before; the second was, that the duke de Richlieu had called in question my nationality; but as the fault did not rest with me that my claims had not been laid before the mixed commission in due time, but with the French government itself; my name was to be introduced in the list as a claimant, if I produced, in addition to the duke's answer to my petition, a certificate from him that I had actually preferred my claims through him to the French government before the 20th of February; and also, if I could establish, on better authority, my rights as a British subject."—While these negociations were pending, a new arrangement was made between the two governments, that England should take a certain sum, which she should distribute at her own discretion, among the claimants, whose names had been previously inserted in the register. At that time, that is, in 1818, the baron's name had not been so inserted in the register; and the register was made up, and the sum to be paid by France was settled and paid, without any allowance from France on account of the baron. Sir, if the baron, presenting his claim, as he did, at so very late a period, had been excluded from the register, he could hardly have laid blame upon any one but himself. But the English commissioners, notwithstanding this remissness, resolved to give him every advantage; and, therefore, after the fund had been paid over to them by France in 1818, to be disposed of at the discretion of England, they took the opinion of the law officers of the Crown, whether, as the claim had been sent in to the French minister before the closing of the list, though not actually received and inserted, it might not be allowable to enter it upon the register then. No computation, indeed, had been made for it in the payment by France; but if, as was expected, there should be a surplus after satisfying those for whom computation had been made, it would be equitable to consider the claim of the baron. The opinion of the law officers being, that the act which regulated the distribution did not forbid this extension, the baron's name was, on the 21st of June 1819, inserted on the register; where it stands, not in virtue of the arrangement with France, but solely by favour of the English government—No. 1,130. That being the precise state of the dates and facts, and such the indulgence evinced towards the baron, what will the House think of this nobleman's candour, when he insinuates in this pamphlet, that the British commissioners, though anxious to uphold his claim, so long as it could be used as a pretext for swelling the demand upon France, had no sooner received from France the money to answer that demand, than they turn round upon him, "and try every means, fair or unfair, to expel him from the list of claimants." Thus it is that the baron begins, and a perversion so strange at the very outset is hardly to be accounted for on any other hypothesis than that expressed by lord Stowell, on deciding this appeal before the privy council: "That the claimant who, no doubt, has been much excited by this engrossing object, seems to labour under some strange delusion." The claim being thus, *ex gratia*, inserted, was now to be regularly heard. It had originally comprised two propositions; but it was now confined to the estate at Soultz, in Alsace. It is always a circumstance of suspicion when a claimant is inconsistent and variable in his manner of stating his own view of his own claim; yet that has been always the misfortune of the baron. His claim to the property at Soultz was originally preferred in a manner so vague, that, as early as December, 1816, the English commissioners were obliged to apply to him, 12th December, to state more distinctly whether the property at Soultz was in his own possession, or in that of his father, at the time when it was seized by the French government. Now this, it will be seen, was no collateral matter. There were two great questions in this case to be tried; and the first of those questions was, whether the property belonged to his father or to him; because, if to his father and not to him, then, as the father was not a British subject, there was an end of the claim. The second question was, whether, supposing it to have belonged to him and not to his father, the seizure by the French government had been on the score of its being British property, in which case, compensation might be demandable; or on the score of its being the property of a French emigrant, as the father was alleged to be, in which case the treaty would have authorised no compensation. The argument which he set up on the question of his own interest in the land was an alleged deed, whereby, as he said, his father, anticipating the political troubles that followed, conveyed the estate to him in the hall of the municipality, in the presence of many of the burghers, to whom this deed was publicly read. The evidence of the burghers is adduced. These citizens do, indeed, state, that the father formally gave up his rights to the baron; but, as to the deed, not a man of them deposes one word about the reading of any such document. The present Vice-chancellor, sir L. Shadwell, to whom, when at the bar, the baron submitted his case, observes that the evidence of the cession is not complete; and the baron who has always some accident or mistake to plead, alleges that by some unaccountable oversight, certain documents, which would have satisfied Mr. Shadwell of the validity of the cession, were omitted to be sent to him. But it happened, unfortunately, that even after the alleged cession, the land did not come into the baron's hands. The baron being a minor, the father does not convey to a trustee for him; does not, as he might have done, if the conveyance had been *bona fide*, interpose some third person as guardian to the son, but acts as guardian himself, and the possession remains as before. Thus, there is no proof of the execution of the deed—no proof of its loss—no proof even of its existence—no relinquishment of possession or control by the father who is supposed to grant, and, of course, no act of ownership by the son who is supposed to take. Under such circumstances, the French government would naturally regard the cession as collusive. But the case is not only weak by the absence of evidence to support it, but weak also by the presence of evidence to overthrow it. A certain deed between the baron and Mr. Richmond, dated 1821, long after the claims were preferred, contained a recital, that the French government had seized the premises at Soultz, under pretence, that the baron's father was a French subject, who had emigrated. That recital having been cancelled before the indenture was executed, the baron had a right to contend, that the commissioners were mistaken in treating it as evidence. But that was a mistake of little consequence, and could proceed from no *mala fides*; for there was plenty of other evidence, that the seizure was made on account of the father being a Frenchman and an emigrant. There was, however, in the same indenture between the baron and Mr. Richmond, another recital which was not cancelled, stating, that the father was seized, possessed of, or entitled to, the lordship of Soultz. That recital was left standing in the indenture when the baron executed it; therefore, the fact in evidence was, that the property seized was not that of the baron, who is a British subject, but that of the baron's father, who was a foreigner, and could in no way lay claim to compensation under the Treaty. Nor was it only in this indenture that the facts appeared: they were set forth also in a case submitted to sir S. Romilly. This case, and the indenture, were both drawn up long after the baron had preferred his claim, and when he must have been aware of the materiality of the facts he was introducing into these documents. And yet he contended, that the property was not that of his father; and he would contend, moreover, that the father's emigration was not the pretence on which the French government seized it; he would have us believe that it was legally his, and taken from him simply because it was found in the possession of himself, a British subject. A Mr. Hinde, who makes an affidavit for the baron, states, that he has searched on the spot, at and near Soultz, and can find no entry or register, to show that the property was confiscated as belonging to an emigrant; but, if he had searched the Bureau des Archives, in the prefecture of the lower Rhine, he would have found the decree, of which I hold an authenticated copy in my hand, and by which, on the 16th October, 1793, the Directory declared certain persons to be emigrants, and their property to be confiscated for sale accordingly; and among these is the name of Bode, lately resident at Soultz. It is manifest, that the ground upon which the seizure took place is a vital question in a claim like this. For what were these losses which the convention was made to compensate? Why, losses by confiscations decreed in France, in contravention of the Commercial Treaty of 1786. The Commercial Treaty of 1786 was, perhaps, in strictness, intended for the benefit of trade only; but it has received a liberal construction, for the benefit of persons, not traders, who have been deprived of their property, on the score of their being British subjects. The Treaty may protect you in your own personal rights of property; but not in those rights of property which are only derivative from foreigners. As to all such rights, you must take the chances of a stoppage, or a flaw, in any of the channels through which you are obliged to deduce them; which foreign channels, of necessity, must be liable to the sequestration of the foreign governments they belong to. So dilatory had the baron been, that it was not till the 28th February 1822, six months after he had been told what evidence would be expected from him, that he set off from London with Hinde for Soultz, where he arrived on the 10th of March. On the 1st of April, the day when the limited time was to expire, a set of documents arrived, which appeared to the commissioners to add nothing to the proof. Being requested to give further time for more papers, they told the baron's agent, Mr. Brackenbury, that if he would pledge himself that among the expected documents there were any to prove that the baron lost the property by confiscation of it as British, the board would allow a fortnight's further time. The agent declined to pledge himself that this was so: he would only say, he fully believed it. It turns out that he took a very prudent course; for the pledge would not have been redeemed. More time, however, was granted, on the assurance of his belief, and further applications were still made for more yet; particularly one for further time to be heard by counsel, or otherwise, against the adoption of ultimate proceedings. The board fixed the 24th of April, to hear this argument; and that time was extended to the 26th. Both days passed away without any thing being done by the baron. On the 30th, the agent sent in another application for delay, on the plea of the baron not having returned from abroad. "The baron," says the agent, "wishes the commissioners to hear him in person, for the baron it seems cannot trust his agents or his counsel." That is what the agent says; but the agent does not say, that any more evidence is to be produced. Meanwhile, on the 26th of April, the last day to which delay had been extended, the commissioners had made their award; but they kept it in their minds until the 12th of May, that they might have the means of amending it, if any thing should occur to require its amendment. But the letter of the agent of the 30th of April, having intimated no intention that any fresh evidence was to be produced, the commissioners on the first of May, finally issued their award, rejecting the claim of the baron.—Is it reasonable, Sir, under circumstances like these, that the baron de Bode should complain of the refusal of time? After delays so numerous, the House will not wonder that these gentlemen should have concluded this matter. The baron meanwhile, appears to have wrought himself into a state of mind which would almost induce him to believe and to utter any thing. He now says the commissioners had no right to fix any day at all for the disposal of his case. Sir, I know of no court that has not a power of holding the suitors to a given time; and the more strictly the rule is kept, the better, for the most part, is justice done. The award, however, having been pronounced, the baron had his remedy by appeal to the Privy Council, and he took it. The Privy Council entertained so little doubt upon the case, that they decided it *instanter*. The baron, however, was still dissatisfied, and asked a rehearing. Arguments were heard fully on the question, whether the Privy Council had power to re-hear the case; and it was decided that they had not. The baron complains of that decision; but this House will hardly be disposed to enter into a technical argument, on the judicial powers of the Privy Council. He would fain have introduced into that argument upon the jurisdiction of re-hearing an argument also on the merits of his case; and he complains that these were not then canvassed; but it is obvious that, to have entered on the merits of the case, would have been substantially to grant the very re-hearing which the Privy Council were of opinion they had no authority to grant. The circumstances of this case afford a strong illustration of the truth of what was said by Mr. Canning, when the petition of the baron was presented in 1826; namely, that "if a case once gone through by the proper jurisdiction is to be brought forward again in this House, the act of parliament referring such matters to the commissioners of the Privy Council becomes utterly useless." It does seem to me to be an object of no little importance, that this House should avoid being drawn into a court of appeal for all discontented suitors. If the claim had been, as it originally was, a mere question between nation and nation, parliament, no doubt, would have been a proper channel for redress; but a regular tribunal of commissioners having been delegated to sift these claims, with a power of appeal from them to the Privy Council, it is before those two municipal jurisdictions, that the suitor has his remedy; and the consequences of calling upon parliament to overturn or re-open their judicial proceedings, would be only to break down the settled sound barriers of all judicature, and ultimately to substitute the tumultuous feelings of politics and party, for the impartiality, the accuracy, and the calmness, of legal decision.—The political nature of the fund can make no real difference in the questions of law which the claim involves, and which having by statute been made questions for judicial offices, are therefore by statute questions for them only, and not for either House of parliament. There is no man who can be further than I am from any idle jealousy of party spirit; but I do, with great deference, submit it to the House, whether questions of a judicial nature be fitly selected for trials of political strength. The late debate on the Resolutions of the hon. member for Durham was a fair occasion for such a contest. But whether it be fitting or convenient to fight that battle over again, after the decision it has once received—whether it be advisable to take the general discussion thus as a collateral branch of an individual case—most of all, whether it be seemly or expedient, to try that individual case as a party question—on these points I own that my mind is made up in the negative; which negative, I trust, will receive the sanction of the House.

Mr. *Lockhart* said, the hon. and learned gentleman had deprecated their entering into any subject of a legal nature. To that, as a general principle, he was most ready to subscribe; but when he saw that the tribunal whose judgment was called in question was new—when that tribunal was invested with new and extraordinary powers—when it had the power of disposing of six millions of money—when he saw that tribunal vested with the right, not only of laying down the rules of evidence, but of pointing out what should be the nature of that evidence, he could not but think, that the principle stated by the hon. and learned gentleman was not applicable to the present case; and that the powers of that tribunal became, from the vast magnitude and novelty of the subject, deserving of inquiry, how they had been exercised, and how the funds, over which they exercised an unlimited control, had been disposed of. The only part of the case which the hon. and learned gentleman had endeavoured to explain was that which related to the conduct of the mixed commission that sat at Paris, which was unfavourable to the baron, and which he accused of misconception both of his motives and acts. It seemed that the baron had some grounds for conceiving that the commissioners were hostile to him; since even the hon. and learned gentleman had admitted that the conduct of the French Government was unfriendly to any of these claimants. But the part into which it most interested that House to inquire was that which occurred since the mixed commission had been dissolved, and the business had been in the hands of the three commissioners appointed by this government. The hon. and learned gentleman had declared, that it would have been utterly useless for the Privy Council to have attempted to have gone into the case further than they did, because there was no evidence that the property seized was the property of a British subject. His opinion of the case was different; but it was not necessary for the House to come to a conclusion on that point, since it was part of the complaint of the baron, that, from the proceedings which the commissioners had adopted, the Privy Council had not had the opportunity of coming to a decision upon the subject. The first point which would enable them to come to a decision was, whether the baron had had any property at all. By mis-stating the evidence—by falsifying deeds—by misconstruction of every sort—by first falsifying a deed, and then founding evidence upon that deed, and by sending up the evidence so falsified to the Privy Council, the commissioners had misled the members of that Board, who, upon the statements thus laid before them, came to the conclusion, that it was not the baron's estate; but who came to no conclusion upon the question, whether he was a British subject. The hon. and learned gentleman had stated, that the first letter shewed that time enough had been afforded to the baron. But it was not a question whether time enough for a common case had been afforded, but whether, compared with the particular difficulties of this case, enough time had been allowed to the baron; and he appealed to any man who knew any thing of the difficulties of establishing such a claim, whether it was proper that a man, who was obliged to go to Alsace to procure evidence of his title, should only have the same time allowed him as would have been granted to any one who was about to try an action on a warranty of a horse. The hon. and learned gentleman then went on to the cession, of which, he said, no legal evidence had been afforded to the commissioners. All that was stated in the depositions of the thirty-four burghers who spoke distinctly to the point, that the baron de Bode formally abandoned to his son all his right. That the hon. and learned gentleman thought was not enough. He would have had them say that they saw the deed; that they heard it read; but did he believe that any French lawyer would have used those terms in the same manner as an English lawyer? The words used in the deed of cession were "*en toute proprieté;*" which included both the law and the fact that it was read and executed. But was it to be expected, that these men should know the technical phraseology of courts of justice here, and proceed with the same regularity and exactitude? If they doubted the effect of that evidence, they ought to have paused: but what more could witnesses say, than that they understood his father to mean that he formally abandoned the estate to his son? The hon. and learned gentleman had passed over one grave subject of imputation against the commissioners in a manner which certainly surprised him. There had been a deed which the commissioners had put into their hands, not only not before the other party, but clandestinely. The commissioners determined, that upon the face of the deed the property was that of the baron, his father, and that it had been seized as the property of an emigrant. He did not impute to them that they did not think so, but that they had only read the draught of the deed, and not the deed itself. In three days afterwards they made their award, and said, that, from some of the baron's own statements, and particularly from the statement in the deed, that they concluded it was the property of the baron, the father, and not of the petitioner. When the deed came to be looked into, it would be found, that no such passage existed in it, but that it had been struck out previous to the execution, and that the erasure had been attested by two witnesses. That evidence was for, and not against him. It went to shew that he always maintained this to be his property. He had said "strike out that sentence in the deed, or I will not execute it." He should think that such a fact was alone sufficient for that House. He had no hesitation in saying, that by the treaty of 1786, and by the convention of 1815, that was the law upon the subject; and that by that treaty, and that convention, he was clothed with protection against the acts of the French government. In the course of every part of the case, all the mistakes were unfortunately against the baron. In no one instance had they erred in his favour. He would point out another gross blunder on the part of the commissioners, who had stated, that it was necessary that the baron should prove the contents of the deed; but it appeared that all the legal documents had disappeared. The mayor of Weissenberg stated, that, to his knowledge, the army entered the house and pillaged it. Yet the commissioners said, that this was a mere hearsay story. This was at the period of the revolution, when war was carried on against all deeds and archives. Considering that the commisioners had manifested the grossest ignorance of the language and laws of the country, and that they had rushed to a conclusion when the baron entreated a little more time to produce evidence, he was astonished at the attempt made by the hon. and learned gentleman, to defend them. But the chief point was as to his last argument; namely, that even if the cession had been made out on the clearest evidence, it was of no avail before the Privy Council, unless it was also shewn, that the property taken from the baron being his, as a British subject, was liable to the decree against him as a British subject. This was an important question, and he was not so presumptuous as to decide upon it; but the House would agree with him, that the Privy Council, having confirmed the decision of the commissioners, the other party had a right to be put into a situation of having his case solemnly adjudged. Besides, the French king and the House of Peers and House of Commons of that nation could not be supposed to be indifferent to this question. Because they had got rid of all liability, they would not be careless as to the administration of these funds. The French people had been accused of injustice to all other nations. When the peace came, they had nobly set about restoring their character for justice; and for that purpose they had put into the hands of commissioners a sum of six millions; and they were interested, though exempt from all liability, in its being justly distributed. This was a true and moral reparation, on the part of a nation, which had committed injustice. They took care not only to supply funds, wherewith justice might be done, but that the sum so appropriated should yield satisfaction to all who were entitled to claim it.

Mr. *Robert Grant* said, that in opposing the motion, he admitted it was no sufficient answer to it, that the House knew nothing of the case but from the baron's own statement. The grounds on which he should rest his opposition rendered no such argument necessary. He much regretted, knowing the commissioners personally, that such charges as had been advanced against them should have entered so deeply into the discussion of this question. On the other hand, it became him to state, that, for years, it had been his duty to be in conflict with the commissioners; and, to the extent of his ability, he had fought them with various success, but, generally, unsuccessfully. He might be supposed, therefore, to bring to the subject feelings wholly untinged with any partiality towards them. He would state, then, that it was his conscientious opinion, that the charges, that, in this transaction, they had acted on a foul and collusive compact, to defeat the justice they had sworn to administer, by violating at once their oaths and their honour, was an imputation, than which a more unjust or cruel aspersion was never cast upon any party. He believed they were incapable of acting from any motives except those of public duty; and that their proceedings had been as free from any base or dishonourable stain, as those of the assembly he then addressed. With respect to the prejudices that existed against them, they were easily explained by the circumstance, that this was a new tribunal appointed to investigate a class of cases entirely new, and not only wanting the authority of antiquity and experience to guide the decisions upon them, but also distinct in their nature, as arising from events, wholly unprecedented in the history of the world. The peculiarity did not end there. These cases were not heard as before an ordinary tribunal, where two parties opposed the claims of each other. The claimants were all on one side, and the commissioners on the other. It had all the disadvantages of a discretionary tribunal, where the odium of an unsatisfactory judgment always fell on the tribunal itself. The applicants thought that the course directed by the commissioners was too restrictive; and from this cause discontent arose in their minds, which, concurring with other causes, produced much more than an average degree of dissatisfaction. He would not assert that the case of the baron de Bode was rightly determined; but he was convinced, that there was no foundation for the bitter charges made against the commissioners, which rested on these grounds; first, that they had, by pressing the case to an immature hearing, come to an adjudication upon it while it was incomplete: secondly, that the case being so incomplete, they had formed a wrong and unjust decision. As to the first point, it was complained, that the commissioners ought not to have fixed any limit to the production of evidence in support of the claims. Baron de Bode contended, that if he was not ready it would have been right to have turned him down to the bottom of the list, by which he would have sustained the loss of priority. The truth was, that so many other cases were in the same situation, that no business could have been transacted on this principle.—The hon. gentleman then went in detail through the circumstances of the baron de Bode's case. He had had six months' delay granted; but during that time he took not a single step to obtain the evidence required. They granted him a further delay of one month; but they accompanied it with conditions which were said to be arbitrary and tyrannical. But the fact was, that the first six months of grace having been utterly unemployed, it was necessary they should take precautions that further time should not also be wasted. Nothing could be so unreasonable as to suppose that the commissioners had any feeling of hostility to the baron de Bode's claim. There were many other cases in which it was dubious, whether or not the property seized belonged to British subjects. That was a difficulty that could not fail to arise from the confiscations of a revolutionary government.

Dr. *Phillimore* supported the motion. The fact was, that a sum of money had been given by the government of France to the government of England, for the repayment of the losses which British subjects had suffered under the spoliations which had taken place in France during the revolution. The baron de Bode was a British subject, and therefore clearly entitled to a share of the money so intrusted to the disposal of the British government. A large surplus was still in the hands of the commissioners, and he thought it particularly hard that the baron should be excluded from his share of it. The baron having been refused indemnification in this country, had applied to the French government, as a Frenchman, for indemnification out of the sums which had been set apart for the benefit of the emigrants. He was told, that, as a British subject, he had no right to present his claim as a French emigrant; but that that was a difficulty easily got over, he being known to have been the proprietor of the property for which he claimed, and that property being in the limits of France. But that a difficulty impossible to overcome was, that the baron having availed himself of his birth-right, and claimed indemnity as a British subject, under the convention of 1815, and having been acknowledged by the French commissioners at that time as a creditor of France, and his name in consequence having been registered by the mixed commission, at Paris, as a British claimant, his claims were provided for and included in the funds created to discharge the claims of British subjects, and put at the disposal of the British government for that purpose; and that therefore he must seek redress from that government, as it could not be expected that France should pay the same debt twice over. Under such circumstances, as the baron had been refused redress by both the English and French commissioners, he thought the House of Commons was bound to inquire into his case.

Mr. *Littleton* said, that after the part which he had taken upon this question on a former occasion, he could not give a silent vote at present, because he felt he should not be doing justice to the baron de Bode if he did not state, that all the impressions which he had formerly entertained respecting the justice of his claim, existed in his mind unchanged. In May, 1826, he had presented a petition to the House from the baron. The late Mr. Canning objected to any ulterior proceedings being founded upon the petition. In consequence of what transpired in the House of Commons upon that occasion, he advised the baron to present another memorial to the Treasury. Whilst that memorial was under consideration, he advised the baron to submit his case to some gentleman in the profession. The baron, in consequence, submitted it to Mr. Shadwell; who gave his opinion in these words: — "Though the evidence of the cession is not complete, I think the papers do satisfactorily make out, either that there was such a cession, or if there was not, then that the baron had such an interest in the property in 1793, that, if he had originally claimed in the alternative before the commissioners, his claim ought to have been allowed. And, in my opinion, although his case has miscarried before the commissioners and upon the appeal, the baron is entitled, in the view of moral justice, to indemnification for the loss of his property, out of the fund placed by the French government at the disposal of the English commissioners, under the convention of 1818." He thought that this opinion, given by a gentleman of Mr. Shadwell's character, who would not, for any consideration, upon earth, have gone one inch beyond the fair merits of the case, ought to have some weight with the House.

The *Attorney-general* said, that if the baron de Bode had reason to complain of not having had able counsellors to state his case elsewhere, he had at least had an able counsellor to state it in that House, for he would freely confess that he had never heard any case better put by any person than the case of the petitioner had been put by the hon. member for Preston. He had read the papers of the petitioner with the utmost attention, and he felt that the complaint which he made against the commissioners came from him with a very bad grace, considering that he had known, for four or five years, the course which they had publicly declared their intention of pursuing. They had given him all the time that was necessary to prepare his case; they had received all the evidence which the baron had offered, and which was legally admissible; and they had given him every opportunity that could be considered preliminary to a fair decision of his claims. —The hon. member for Preston had accused the commissioners of making a false statement, when they said, that the baron's name was not included in the first list of claimants admitted by the French government. He contended, that the commissioners were perfectly correct, and that the baron's name was no where to be found in that first list. He admitted that it would be a fraud to obtain a compensation from the French government on the footing of the baron's losses as a British subject, and then to turn round upon him and say, "You have not made out your losses, and we therefore will not admit your claim." But no such fraud could be charged in this case upon the British government; since the statement in the baron's petition that his name was in the first list of claimants was entirely without foundation. The petitioner said, he was entitled to claim for the confiscation of a property which he had acquired by cession from his father; and it was said that the opinion of Mr. Shadwell was in favour of that claim. Now, the opinion of Mr. Shadwell was given upon an alternative, that, if de Bode had not a claim by cession, he had, at all events, a claim by descent. Now it was not a little extraordinary, that all those who argued this case before the Privy Council made no allusion whatever to this alternative right; which seemed to have been taken up when all other grounds upon which the claim was founded had wholly failed. It was said, however, that the petitioner could bring further evidence; but it ought to be recollected, that the fact of the cession of the property by his father to the baron, then a boy of fourteen years of age, was solely supported by the testimony of a few burghers of Soultz in Alsace; that there was no deed produced; and that lord Stowell, when the case came before the Privy Council, distinctly declared, that this was an evidence of a cession of the property which the Privy Council could not receive. If there had been even two years' further time given to the baron, it was therefore plain that he could not produce any further evidence, and his persisting in asserting this was clearly a *protestatio contra factum.* In his opinion, no wrong had been sustained by the baron de Bode which called for the interference of that House. No injustice had been done him by the refusal of ample time to prove his case. There was no further evidence to be produced in support of his case which justified an inquiry; and, as that inquiry must be regarded in no other light than as an appeal from the Privy Council, he could not see why they were to allow that appeal, when the case had been already fully considered upon precisely the same evidence. Without travelling through the other parts of the case, he was satisfied that he should have come to the same conclusion as that at which the commissioners had arrived; and, being strongly of opinion against the alternative, as well as against the hereditary claim, and that no case of delinquency had been made out against the commissioners, he should vote against the motion.

After a short reply from Mr. Stanley, the House divided: For the motion 54; Against it 91; Majority 37.

Supply of Water to the Metropolis.] Sir *F. Burdett* said, that in rising to introduce a motion on this subject, he was sure the right hon. Secretary would concur with him as to the great importance of the question, and the necessity which existed, considering the grievances suffered under the present system of supplying Water to the Metropolis, for the introduction of some measure to remedy the evil. As the right hon. gentleman was impressed with the importance of the subject, it only remained for him (sir F. Burdett) to state the mode of proceeding which he proposed; and he might mention in the outset, that it was not liable to the objections which had been urged by the right hon. gentleman on a former occasion, when this subject was before the House. The facts of the case lay within a small compass, and were contained in the plain statement which he held in his hand, and which had emanated from the able Commissioners appointed by the Crown, who had so faithfully performed their duty, and had so satisfactorily shewn that all the complaints were well-founded, and had also pointed out the remedy. The hon. baronet here read an extract from the report of the commissioners, in which they state, that after entering upon the duties which they had been appointed to discharge, they received a letter from the Home Secretary, limiting their inquiries, to the state of the supply of Water to the Metropolis, and notifying to them, that the taking of surveys, &c. did not come within their powers. The commissioners certainly entertained, previous to the receipt of this note, a different opinion as to the meaning of the commission under which they had been appointed; and their idea on the subject was that entertained by every individual in the community at the time. The commissioners were appointed not merely to ascertain a fact which was notorious to all; — namely, that the Water supplied to the Metropolis, under the present system, was of a filthy, impure, and unhealthy description; but, to effect any good purpose, they should obviously have the power of pointing out the mode of remedying the evil complained of. The hon. baronet read another extract from the report, in which, after stating that under these circumstances they confined themselves to an examination of the water in those parts of the Thames from which the metropolis is at present supplied, they proceed to express their opinion as to the filthy and impure nature of the water in those parts of the river. It was true that differences might exist amongst medical men as to the unhealthiness of this water, but the public were certainly entitled to other water than that of a dirty, filthy, and impure description, while they paid the present high rates for the water with which they were supplied. The commissioners went on to remark, that a Select Committee of that House had been formerly appointed for the purpose of inquiring into this subject; but they added, that they were restricted from acting upon the suggestions of that committee. Now, he could not perceive the necessity for such restriction. The committee in question had reported on the subject seven years ago; and that report had never been acted upon.—He now called on the right hon. gentleman to direct his attention to the necessity of forming an efficient committee which would fully investigate this important subject. All he wished to propose was, that the committee so formed should have referred to it the different petitions on this subject which had been laid on the table of the House. They contained complaints from various parts of the metropolis as to the state of the water; and it would be for the committee to point out the most effectual remedy that could be adopted to meet the evil which was so loudly complained of. He did not mean to dwell at any length on the unwholesomeness of the water with which a great part of the metropolis was at present supplied; he would not enter into those nauseous details. If any gentleman doubted that much of the water with which this great city was supplied was not fit for human use, his doubts would be expelled by a reference to the evidence which had been given on this subject. When he had once read that evidence, he could not entertain any doubt on the subject. Dr. Paris, an authority of great weight, spoke most decidedly as to the badness of the water. He considered it as extremely unhealthy, and as calculated to give rise to very serious disorders indeed. He described it as containing much deleterious matter dissolved in the fluid, as well as a considerable quantity of indissoluble matter suspended in it. Dr. Paris then referred to an able pamphlet, entitled "The Dolphin," which had first called the attention of the public to this nuisance, and directed the public eye towards the proceedings of the Grand Junction Company. In that pamphlet the water supplied to the metropolis by the Grand Junction Company was stated to be so filthy, as to render it disgusting to the imagination, and its use destructive to health. Mr. Wright, the author of that pamphlet had devoted much time and paid great attention to the subject, and he had unquestionably made out a very strong case. When first Mr. Wright published that pamphlet, the Grand Junction Company were so exceedingly indignant at the exposure, that they threatened him with a prosecution; but they afterwards wisely abandoned their intention. He had seen some of the persons connected with that Company, and when they announced their intention of not prosecuting Mr. Wright, he had observed, that they might do as they liked on that point, but that it would still be necessary to bring under the consideration of parliament the whole question of the Supply of Water to the Metropolis. He should merely advert to the evidence of Dr. Somerville, the physician to Chelsea Hospital, which went to the same point, That evidence was so exceedingly disagreeable, that he would not read it; and if any gentleman felt inclined to peruse it, he feared it would be apt to turn his stomach. He thought, after what he had said, that there could be no doubt whatever of the existence of the evil complained of; and if this was the case, no delay should be allowed in devising a remedy for that evil. The commissioners who were appointed to proceed with this inquiry appeared, from the first, not to harbour a doubt that the complaints were just. The evils to which their attention was called, were principally two:—first of all was the monopoly, he would not say fraudulently obtained, by the Companies. Certainly, however, those parties procured from parliament the power which they possessed, under an idea that a competition, with respect to water, was to take place throughout the town; but, instead of that, a monopoly of the most oppressive kind had been established. The Grand Junction Company had contrived to smuggle through parliament, at a very late period of the session, a very objectionable measure. It passed through parliament, as a private bill; neither he nor his hon. colleague being apprised of its object. It was denominated "An act for confirming certain articles of agreement," &c.; and there was a clause appended to it which, considering that this affected to be a private bill, was of a very extraordinary nature. The clause ran thus—"That this act shall be considered as a public act, and shall be so taken and considered by all the judges," &c. And what did this act do? It enabled the parties to increase their rates three hundred per cent. It was clear that the House never intended they should have such a monstrous power; it was evident that the House never contemplated such a monopoly as they had established; and the question then came to this, whether there was no remedy for such an imposition? As the matter now stood, the public got a very bad article at a very dear price. It was not merely bad, but from the evidence, absolutely filthy and disgusting, and extremely detrimental to health. Were persons, he demanded, to be thus made to pay large sums annually, to be poisoned in this way?—to be poisoned not only every day, but every hour of their lives? This being the case—the facts on which it rested having been established over and over again—it would, in his opinion, be necessary to give life and effect to the recommendations of the committee of that House of 1821, a committee formed seven years ago, upon whose report no proceedings had been instituted. That committee complained, that in case of dispute, there was no fair tribunal to which the aggrieved persons could apply. They were compelled to appeal—to whom? Why, to the interested parties themselves. With the report of the committee of 1821, the commissioners recently appointed, entirely agree. They only differed in this—that they stated the various complaints far more strongly. He should weary the House no more on this subject; but he must observe, with respect to the Grand Junction Company, that he believed more blame rested on that Company than on any other. That Company at first declared, that they would have reservoirs filled with water drawn from pure streams. They never had, however, any thing of the kind. On the contrary, they procured foul water from the Paddington Canal, and afterwards they made use of water even worse than that—water taken from the Dolphin, at the foot of Chelsea Hospital, close to the mouth of a great common sewer, which had excited so much public attention, and created such general disgust. This was the Company, too, that introduced into a bill, on almost the last day of the session of parliament, a clause enabling them to raise their charges three hundred per cent? Such a system might not, perhaps, much affect the rich man who could avail himself of his springs and pumps, but it was a serious evil to the poor man who had no such resources. He trusted, although so much time had been lost, that the public would be benefitted by the labours of the commissioners. He sincerely hoped that a remedy would be struck out for these grievances. This was a great national subject. It was a subject which was considered of deep importance in the more early ages of the world; as was sufficiently proved by the magnificent remains of ancient aqueducts. But there was not wanting in modern times a stimulus to exertion, for the purpose of supplying pure and wholesome water to the metropolis, when they turned their eyes to Paris, and saw the water conveyed thither in abundance by the canal de l'Ourcq. The city of Edinburgh was supplied with excellent water from a distance of eight or ten miles—a project which was perfected under the direction of Mr. Rennie. Now, looking at all the circumstances, he thought it was the bounden duty of government, who ought to watch over the health of the people, to see that the town was plentifully supplied with good water. He trusted that the same feelings would not operate in this instance, as had operated in the case of sir Hugh Middleton; who, having brought a stream of good water so near the metropolis as Enfield, was unable to get any money advanced by parliament, or by the city of London, to enable him to complete his great project; when James 1st advanced him 7,000*l.* out of his own pocket, and enabled him to complete that object, the benefits of which the public now enjoyed. So little sense and so little generosity, had those whom he thus essentially served, that he would have died in a gaol, but for the interference of James 1st. He wished that a plan for the conveyance of pure water to London should be completed — a plan which was in progress, and would have been completed, if the commissioners had sat longer. A gentleman under Mr. Telford, had made a survey, in order to find out the best mode of supplying the metropolis with water. The individual he alluded to was Mr. James Mills; and he understood that the survey on which he had been engaged might be completed for 300*l.* It was a matter of much importance that he should be allowed the sum necessary for the completion of his survey. This sum he hoped the government would supply: and if it would not, he should, for so good an object, have great pleasure—he should even be proud—in advancing it himself. That individual was of opinion, that unless they went above where the tide flowed, it was impossible to procure water without more or less of impurity. The river Colne had been mentioned as likely to afford a good supply of water; but he understood the best mode would be to take the water from the river at Teddington, and to construct a reservoir for its reception on Wimbledon-common. This plan would interfere less than any other with the rights of private property, and water thus situated would receive such an impulse as would supply the lower parts of the town most amply with this essential necessary of life. This was a line not, he believed, of more than nine miles in extent, and he was informed it would require no public money to carry the project into execution, as there were numerous individuals ready to embark in it. The hon. baronet concluded by moving, "That a Committee be appointed to take into Consideration the Report of the Commissioners appointed by his Majesty to inquire into the present system of Supplying Water to the Metropolis, and to state if any, and what Remedies can be applied, to the many and great Grievances alleged to exist in the System."

Sir *J. Yorke* complained, that the hon. baronet had kept out of sight all other water companies but the Grand Junction, and on that he had certainly laid a heavy hand. The hon. baronet appeared to him to have taken an exaggerated view of the case, which he entirely attributed to the pamphlet he had quoted from. Notwithstanding his authorities, he was of opinion, that the House ought not to interfere, particularly at so late a stage of the session.

Mr. Secretary *Peel* said, he considered the great importance of the subject, as connected with the comfort, the feelings, and even the health, of the inhabitants of this metropolis. It was undoubtedly fit that the House should take cognizance of the manner in which the companies discharged the obligations they had taken on themselves under the authority of Parliament. He was not opposed to an inquiry being instituted for that purpose; but there was one point of the hon. baronet's speech from which he totally dissented.—He had said, that the remedy lay with government, and that it was for them to meet the complaints of the public. Had the hon. baronet reflected on the expense which would be incurred by a compliance with his suggestion? In resisting the hon. baronet's proposal, he was aware it might appear that he was undervaluing the importance of the question; but it ought to be remembered that lighting the city was a subject of importance, as it tended to diminish crime; that security against fire was no less important; and yet those matters were left entirely to private enterprise. Roads, bridges, and the supply of markets, all of which were of consequence to the public, were not directly interfered with by government;—and by a parity of reasoning he was convinced that it ought not to interpose in the present instance. The expense was, in itself, a material objection; and he had no doubt but the supply would be ultimately less satisfactory, should the home department be obliged to undertake its superintendence. The construction of aqueducts would cost millions of money, and should not be lightly undertaken, especially as he considered that the unwholesomeness of the water was, in a measure, imaginary. The hon. baronet had said, that he could procure a plan by which salubrious water from a high point of the river could be supplied to the metropolis. If such a plan could be effected, individuals would be found ready to undertake it, if it were likely to turn out a profitable speculation. The commission appointed by his predecessor was for the purpose of reporting on the supply of water to the metropolis—on its quantity and its quality. The commission had sat nearly six months, and had cost 800*l.*; when he found it necessary to give them a hint, that it was time to give in the result of their analysis of the various descriptions of water, respecting which they were instructed to inquire. But it was never intended, by the appointment of this commission, that government should take upon itself the business of supplying water to the metropolis. The taking of surveys had been recommended; but before government sanctioned such a measure, an estimate of the expense should be furnished. Since the publication of the Report, a communication had been made to him from the Grand Junction Company, stating that they had it in contemplation to purchase 500 acres near Barnes, and that they proposed to convey water from Barnes; or, if that was not high enough, they proposed even to bring it from Richmond or Teddington. As to the proposed inquiry, he was anxious even to go farther than the hon. baronet; he consented to the appointment with not merely a restricted, but with full powers. If the hon. baronet wished to lay the commencement of such an inquiry in the present session, he would not oppose it; but as the hon. baronet did not bring forward the subject at an earlier period of the session, he would suggest, that the inquiry might be more effective if it were postponed until the next session. If then, on investigation it should appear, that water was supplied from impure sources; if bills were introduced late in the session, under titles which gave no correct notion of the enactments; if exorbitant rates were levied; these were abuses which should be corrected. He had now given his advice to the hon. baronet: he trusted he had satisfied him that he was sensible of the importance of the subject, and he would leave him to pursue whatever course he might think proper.

Mr. *Hobhouse* said, he would not trouble the House with many remarks after the satisfactory speech of the right hon. gentleman. He had consented to grant even more than was asked for by his hon. colleague, by consenting to a committee with the fullest powers of inquiry. The right hon. gentleman had stated, that if gross monopolies, the insalubriousness of the water, and other abuses were proved to exist, they should be corrected. Now, there was no doubt but that such abuses did exist to an alarming extent, and he hoped the committee about to be appointed would be effectual for the removal of them. His constituents loudly complained of the present state of the supply of water, and they had a right to have that complaint attended to and redressed.

Mr. *Warburton* said, that his attention had been called to a plan for filtering the water of the Thames, in the same manner that water was supplied in Glasgow; he thought it deserving of attention; it might be found preferable to that of bringing water in its natural state, even from the high point of the river that had been mentioned.

Sir *F. Burdett* said, that the right hon. gentleman had misunderstood him in supposing that he wished government to interfere on the question. All that he wished was, that the House of Commons should take it up; if this were done, there were many persons ready to advance money to set works on foot, by which wholesome water might be obtained. He would move, in lieu of his former motion, "That a Select Committee be appointed to inquire into the present system of supplying Water to the Metropolis, including the Borough of Southwark; and into the amount of the rates paid by the inhabitants."—Agreed to.

HOUSE OF LORDS.

Thursday, July 3.

Scotch Small Notes Bill.] The Duke of *Wellington* moved the second reading of this bill. He stated, that the object of it was, to carry into complete execution the law of 1826; its intention being to prevent the circulation of Scotch bank notes under the value of 5*l*., within the kingdom of England. This measure came recommended to Parliament by two committees; and those committees went so far as to say, that if the circulation of those notes in England could not be prevented, it would be better to put an end to their circulation in Scotland altogether, notwithstanding the inconveniences which would attend the impediment of such circulation. It was quite obvious, that if such circulation of 1*l*. notes were to be permitted within this country, it ought to be the circulation issued by bankers residing in the north of England, and not in Scotland. It was obvious, that it was a hardship upon the people of England, who were under the necessity of receiving them if circulated, to be obliged to go and seek for their metallic value beyond the frontier. That was, however, not all; for they must not only go and seek for this metallic value from the Scotch banker, who was good security, but if that system was not prohibited, bank establishments would be set up in all parts of the frontier, for the purpose of circulating those notes within England; and thus defeating the object of the measure of 1826.—He did not found the necessity of this measure upon any theories. He did not found the measure of 1826 upon any such theories; but he must say, that the experience of the last few years had proved the falsity of another, which was stated in a former committee—he meant the theory, that all was safe, provided notes were convertible into gold. The experience of recent years had proved that theory not true. But that experience had proved likewise the truth of another theory—namely, that 1*l*. notes and gold sovereigns could not circulate in this country at the same time. If you are to have gold in circulation, you cannot have 1*l*. notes.—Under these circumstances, the measure of 1826 was a proper measure to be adopted. It was contended by his noble friend, (the earl of Carnarvon) the other day, that the measure of 1826 had inflicted great evils on the country; that the people had been thereby deprived of facilities of trade, and subjected to numerous other disadvantages; but he had left out of the question all the evils which had flowed from the breaking of the banks. His noble friend had lost sight of the fact, that paper was but a fictitious capital; and that it was the evils which it entailed that had obliged parliament to put it down. Why should they have recourse to paper, when there was no want of capital, no want of currency in England? That there was no want of capital, was proved by the state of the funds, and by the readiness to embark in any scheme, however distant the scene of its proposed operations, which promised to return any profit. Now this capital would be employed in this country, if that confidence existed; which could only be induced by placing the currency on a secure foundation. It had been asked, if the measure in question was good for England, why not extend it to Scotland? But there was a great difference between the circumstances of the two countries. In the first place, the banks in Scotland were on a much more secure footing than those in England. In Scotland, all the banks were a check on each individual establishment. The system had worked for the prosperity of that country, and he should be sorry to take it from it. But, then, could that establishment be so carried on in Scotland, if there were not a well-established metallic currency in England? If they could not procure gold, from time to time, from the Bank of England, they could not carry it on. Then, the only question that remained was, were there the means of executing the measure of 1826, of which he was now proposing the completion? It appeared, from the number of stamps issued, that the quantity of 1*l*. notes put into circulation in the four years, 1822, 1823, 1824, and 1825, was 9,075,500*l*. Out of that sum 1,075,000*l*. circulated in Scotland, leaving in circulation in England 8,000,000 of 1*l*. notes.

Out of that sum it was calculated that one-fifth was kept in reserve. It was true, moreover, that one-fifth of the banks broke in 1825, and their notes must therefore be taken to be out of circulation.—Adding, then, to that 2,500,000*l.*, the amount withdrawn at that period, the sum not then in circulation amounted to 5,700,000*l.*; deducting which from 8,000,000*l.*, left 2,300,000*l.* at present in circulation. Now a part of that sum must have been in circulation since 1822. This was the nearest approximation to the truth that could be arrived at. Now, then, what was the amount of the circulation of the country, besides the 1*l.* notes?—It appeared, from the returns, that the Bank issued between the years 1821 and 1828, 78,813,000 sovereigns, of which they had received back 50,447,000, leaving 28,366,000 still out. From August, 1824, to December, 1825, there had been exported 6,000,000, leaving in circulation at that time about 20,000,000 of sovereigns; and since then there had been issued 2,300,000, making altogether, 22,475,000 sovereigns now in circulation. In addition to that, there were 8,000,000*l.* of silver, 20,000,000*l.* of Bank of England notes of 5*l.* and upwards, and 13,000,000*l.* of country bank notes of 5*l.* and upwards. So that, besides the 1*l.* notes, there were no less than 13,000,000*l.* of country bank notes in circulation in this country. Now, to show the abundance of metallic currency which existed, there had been coined, since the commencement of 1810, not less than 40,000,000*l*, in gold, and 10,000,000*l.* in silver; so that there was 50,000,000*l*, of metallic currency still in the country, except the 6,000,000*l.* which had been exported. Feeling, then, that the country possessed the means of obtaining a currency upon such a solid basis, he had no difficulty in coming to the conclusion, that they might safely adopt the measure now proposed.

The Earl of *Carnarvon* said, he had no doubt of the resources of the country being in the condition in which the noble duke had stated, but he wished they had been applied to a better purpose than carrying into effect the bill of 1826. The resources of the country were equal to the measure, he doubted not, but they would be exhausted by applying them to that purpose. After fifteen years peace, the country was more burthened with debt than at the termination of the war. Though several taxes had been abolished, the taxation was positively greater now than at that period. He was not one of those who advocated the Bank restriction; but, having gone on for so long a period, under a system, it was unjust to attempt to return to that obsolete practice. The noble duke had spoken of the Scotch one-pound notes, as though it would be better to put an end to them entirely, than let them circulate in England. He seemed to dread something from the Picts and Scots like an invasion; but his apprehensions were groundless. The discretion of our northern countrymen would suggest to them to take care of their own interest. The charter of the Bank of England had only four years to run; and, before that period had expired, something might be done advantageous to the country. The evils of the system were felt. Many country bankers were withdrawing their five-pound notes, to enable them to meet the run to which they would be subjected. Among the agriculturists great inconveniences had already arisen: in addition to what they had suffered from other causes, a diminution in the circulating medium was sensibly felt among that class. It had been said, that the panic and distress of 1825 was attributable to the circulation of bank notes. Now, he did not believe that any diminution of bank notes would prevent the recurrence of such a crisis. Scotland had her one-pound notes; and yet she had not been visited with such a crisis. It was not, therefore, the want of a wholesome currency which occasioned panics of this description; and it was, therefore, not necessary to draw a *cordon sanitaire* round the frontiers of England. She did not require it at the periods to which he had alluded, and why should she require it now? Nothing could be more absurd or unjust than to enact a law for the purpose of closing the Scotch markets against the English farmer; which was, in point of fact, the effect of this bill. It was therefore inflicting a great local grievance. But, even admitting that the panic and distress of 1825 had been occasioned by excessive paper credit, the one-pound notes bore a very small proportion to other descriptions of paper. Even if there were an increase of three or four millions of small notes, there was also an increase of many millions in bills of exchange and other paper securities. Then why wage war against the small notes, as being the cause of all the mischief? But perhaps he should be told, that all paper security should be put down. Let their lordships do so: let them have no security but gold. But, if so, they would soon reduce the country to a state of absolute poverty. What would then become of credit? And, destroying credit, they would also put an end to all speculation, and to all trade, which could not be carried on without credit. But, of all descriptions of paper credit, the one-pound and two-pound notes were the most impotent to produce any great national crisis. A number of causes concurred to produce it, great in their united effect; but amongst them all, the small notes had the least to do with it. He again contended, therefore, that the small notes ought not to be suppressed. It would be easy to enter into an arrangement, allowing the Bank of England to issue one-pound notes during the four years for which their charter had yet to run, and leave the country notes as they were. The noble duke said, that a metallic was the safest, because the most certain, medium of circulation. But he was prepared to show that gold was liable to greater fluctuation than the notes which they were now so anxious to guard against. Gold was liable to be affected by the state of the exchanges with foreign countries; but, if a few Scotch banks were the objects of a run, there was a general concurrence, on the part of the others, to take their notes, and so guard against any loss to the public. If, however, the noble duke conceived that fluctuations rendered credit unsafe, let him look to the national debt,—that enormous fictitious debt which, it seemed, was now to be paid off in capital of gold, but which was more than this country could ever do. It might destroy us; but we never could annihilate it.—He called upon government, and parliament to look its real situation in the face; and now, while peace continued, to guard against being involved in fresh difficulties.—As to this bill, he could not believe that there was any great danger of Scotch notes driving English gold out of circulation. It was the duty of the legislature to guard the standard, but not to make it the sole currency. The prosperity of the country was always diminished in proportion as its circulation was contracted; and its prosperity increased as its circulation was expanded. On these grounds he deprecated this completion of the measure of 1826.

Lord *Goderich* said, he had heard with great satisfaction the speech of the noble duke, not only for the grounds on which he had rested the policy of the measure, but on account of his declaration of the unequivocal adherence of government to those principles on which the measure of 1826 had been founded. The noble earl who had just sat down gave a decided preference to paper over a metallic currency, and he would not even have paper convertible into gold. The noble earl had stated, that the measure of 1826 had been adopted in a hurry, and without due caution. Now, he had never said, that the one-pound notes were the cause of the great convulsions which had then taken place; but the mischief was, that when convulsions did arise, the one-pound notes brought the great body of the public into jeopardy. The noble earl said, that they were a great convenience He knew they were, because they were the medium of the poor; but that was the very reason why they were the more dangerous. When panic arose, who were the crowd around the banker's door? Was it not composed of poor people, of agricultural labourers, and they it was who broke the banks. Thus, though the small notes were not the cause of the convulsion, yet, when it took place, they were the means of inflicting misery upon the poor. The measure of 1826 was founded on a practical proof of the mischief. He therefore did not think that, in taking this course, they were acting under a delusion; neither did he believe that this country was in so crippled a condition, that if a foreign power threatened us, we should be obliged to bow our heads in shameful humility. From what he had seen of the resources of the country, he did not think there was a nation in the world whose power and means were less shaken than those of England. As to the bill itself, he thought it absolutely necessary; because he conceived it would be unfair if the English banker was not allowed to issue his notes, while, in his own immediate circle, he was met by the Scotch notes.

Lord *Redesdale* defended the Bank restriction act of 1797, which was founded on the principle of retaining a supply of metallic currency within the country. It arose out of the most extraordinary event that ever occurred in the world. He meant the French Revolution. What was the effect of that revolution? It was, that the

French nation confiscated to the use of government three-fourths of the property of the country, real and personal: they put an end to trade; and they also called out the whole of the population, who were capable of bearing arms. They at that time contemplated the conquest of Europe. And, what were the pecuniary means they employed? Why, they issued large quantities of assignats: but that species of paper did not answer, and their object then was, to withdraw from every country all the bullion that could be procured. They set about the attainment of that end in a very efficient manner. They purchased bills on this country at any price: for these they got Bank notes, which they ultimately changed for bullion. By this means they soon abstracted from the Bank almost every piece of gold it had, and they pursued the same course with other countries; so that bullion could not flow into England, as it otherwise would have done. To keep, therefore, a supply of bullion in the country, the Restriction-act was passed; if that measure had not been adopted, it would have been impossible to have carried on the war. So far, therefore, from its being a measure of which he was ashamed, he should always glory in it as a great political measure. In the last session, he had introduced a bill for the regulation of banks; and he was convinced that if all bankers were compelled, once a year, to strike a balance sheet,—as, indeed, all careful bankers did,—there would be but very few failures amongst that class of people. If they looked through the history of banks, they would find almost universally that failures were owing to one of two causes—either extreme inattention to business, or fraud committed by one or more of the parties. It was therefore of the utmost importance, that they should frame some means of compelling partners to give an account of all partnership dealings, at least once in a year. If they put all banks under regulation, so as to compel their accounts to be regularly balanced every year, and any thing like fraud were practised,—if it were punished criminally, he believed they would find very few banks failing. In conclusion, the learned lord expressed his entire concurrence in the bill.

The Marquis of *Bute* considered this measure as one that would inflict great distress on those whom it was intended to serve. He did not think that the arguments adduced by the noble duke, and by the noble viscount, had gone far enough to show the necessity of this measure. This was an alteration from one extreme to another; and though the arguments of those two noble lords might be sufficient to prove that some alteration in the system was necessary, they by no means satisfied him of the propriety of thus suddenly hastening from one extreme to another. The noble viscount had told them much about the depreciation of the currency. From what he had said, the inference was, that there was no depreciation from 1797 to 1808; or, in other words, that for ten years, whilst there was an immense circulation of one-pound and two-pound notes, there was no depreciation. If that were the case, then he could not conceive why a continuation of a circulation of a similar nature might not be admitted now with equal security. If his anxiety on this subject was at all diminished, it arose from the confidence he reposed in the government of the noble duke. If any of the anticipated evils really threatened the country, he did not doubt that the noble duke, with his wonted zeal and vigour, would step forward with a remedy.

Lord *Calthorpe* said, he could not but consider the bill as the inevitable result of that passed in 1826. In point of fact, the bill agreed to in that year implied that it would be followed by such an act as the present. If such a measure was necessary, that necessity arose from the fact of parliament having determined to apply to the banking establishments of Scotland a different rule to that which it had already applied to the banking establishments of England. While he admitted the necessity of the present measure, he could not admit of the necessity or expediency of keeping up that distinction between Scotland and this country, of which he had just spoken. The continuance of that distinction did not appear to have been contemplated by the administration of 1826; for it originally made no part of the bill passed at that period. They had intended by that bill to put a stop to the circulation of one-pound notes both in England and Scotland. Owing, however, to the opposition which was raised in Scotland, and by the Scotch representatives in parliament, against that portion of the bill which went to put an end to the circulation of one-pound notes in Scotland, it was abandoned. Thus it appeared, that the portion of the measure which had been submitted to inquiry was not persisted in; and there were grounds afforded for the inference, that if the banking establishments of England had had a similar opportunity of resisting the portion of the bill which related exclusively to this country, the measure would have been abandoned. There was so much information required to arrive at an understanding of the currency question, that he was not disposed to hazard a decided opinion on the subject. He would recommend, however, that this question should be submitted to further investigation. He was by no means insensible to the inconveniences which might arise from the operation of this bill; yet, under all the circumstances, he (the marquis of B.) did not see how parliament could have taken a different part.

Earl *Ferrers* wished to know by what mode the government proposed to pay a paper debt in a metallic currency?

The Duke of *Wellington* said, he did not mean to be understood as expressing an unqualified approbation of the bill of 1826. A variety of reasons, and, in his opinion, good reasons, had influenced the decision that it should not extend to Scotland. As to the question of the noble earl, all he would reply was, that whether in specie or in paper, he hoped this country would perform all her engagements to the public creditor.

The bill was read a second time.

HOUSE OF COMMONS.

Thursday, July 3.

Union with Ireland—Conduct of the Roman Catholics.] Mr. *Maurice Fitzgerald* rose to submit the motion of which he had given notice, for the production of the correspondence between the English and Irish governments at the time of the Union, on the Conduct of the Roman Catholics. He did not seek for the opportunity of making a long speech on the general question—that would be bad taste; but the serious motives which induced him to abstain from going into other parts of that subject, were, that a case involving the character and consistency of eminent men now no more, should be made the subject of a separate discussion, and not be mixed up with matters which, however connected with it in another shape, formed no part of it in the way in which he proposed to submit it to the House. It was important to the characters of men who had filled high stations in the government of the country, that the question should be set at rest one way or the other. After the observation made by the right hon. Secretary opposite on a former evening, it was rendered necessary for him (Mr. Fitzgerald) to bring forward proofs in support of the statement he had made on the subject of a pledge given to the Catholics of Ireland at the time of the Union. The right hon. gentleman had said, that he denied that any pledge had been given by Mr. Pitt, lord Castlereagh, or lord Cornwallis, that the emancipation of the Catholics would be forwarded by the Union of Ireland. When he (Mr. Peel) used the word "pledge," he did not mean a written agreement, but an engagement, in the sense in which it would be understood by honourable men. This was a candid interpretation of the word pledge, as he (Mr. F.) had used it; but it was a denial of the fact for which he contended; and therefore he felt bound to establish it by proof. Mr. Pitt, in introducing the subject of the Union, in 1799, pointed out the circumstances which forced the subject on their attention. These were—the internal distraction of Ireland—the struggles between the sects—and the facility which those struggles opposed to the introduction of Jacobinism, and the effect it would have in operating the separation of the two countries. Mr. Pitt was well aware of the system which was then in existence in Ireland. He found that Dissenters of all descriptions, Protestants as well as Catholics, were excluded from the privileges of the constitution. He found the whole power of the country monopolized by a very small minority, who were called the Protestant Ascendancy. He considered this too narrow a basis on which to rest for the security of the country, and he therefore thought that the state of things required a union of the two kingdoms.—Now, Mr. Pitt, in introducing that question to the British parliament, had so ably and so forcibly conveyed his opinions on that subject, that he should be doing injustice to his case, if he did not quote the passage, and this was the more necessary, as it was not quoted in the former debate. Adverting to the opinion of Mr. Fox, who had opposed the measure, but who admitted the necessity of preserving the strictest union between the two countries, Mr. Pitt said, "I most cordially agree with him in that opinion but I then stated, that I do not barely wish for the maintenance of that connexion, as tending to add to the general strength of the empire, but I wish for the maintenance of it with a peculiar regard to the local interests of Ireland; with a regard to every thing that can give to Ireland its due weight and importance, as a great member of the empire. I wish for it with a view of giving it a full participation of all those blessings which this country so eminently enjoys." Could there be a doubt, as to what was meant by "a full participation of all those blessings which this country enjoys?" Could there be a doubt that it had reference to the arrangement of religious differences in that country? He would read one or two other extracts, which he considered more decisive as to the point. The very knowledge that such sentiments were entertained by Mr. Pitt must have been sufficient to impress upon the Catholics a confident belief that emancipation was to be a consequence of the Union. "But, if struggles of this sort may and must return again; if the worst dangers are those which are yet to come, dangers which may be greater from being more disguised; if those situations may arise when the same means of relief are not in our power, what is the remedy that reason and policy point out? It is to identify them with us; it is to make them a part of the same community, by giving them a full share of those accumulated blessings which are diffused throughout Great Britain; it is, in a word, to give them a full participation of the wealth, the power, and the stability of the British empire. If, then, this measure comes recommended not only by the obvious defects of the system which now exists, but it has also the recommendation of increasing the general power of the empire, and of guarding against future danger from the common enemy, we are next to consider it as to its effects upon the internal condition of Ireland."—"I know that the interests of the two countries must be taken together, and that a man cannot speak as a true Englishman, unless he speaks as a true Irishman, nor as a true Irishman unless he speaks as a true Englishman; but if it were possible to separate them, and I could consider myself as addressing you, not as interested for the empire at large, but for Ireland alone, I should say, that it would be indispensably necessary, for the sake of that country, to compose its present distractions by the adoption of another system—I should say, that the establishment of an Imperial Legislature was the only means of healing its wounds and of restoring it to tranquillity."—"Among the great and known defects of Ireland, one of the most prominent features is, its want of industry and capital; how are those wants to be supplied, but by blending more closely with Ireland the industry and the capital of this country? But, above all, in the great leading distinction between the people of Ireland (I mean their religious distinctions), what is their situation? The Protestant feels that the claims of the Catholics threaten the existence of the Protestant Ascendancy; while, on the other hand, the great body of Catholics feel the establishment of the National Church, and their exclusion from the exercise of certain rights and privileges, a grievance. Between the two, it becomes a matter of difficulty in the minds of many persons, whether it would be better to listen only to the fears of the former, or to grant the claims of the latter. I am well aware that the subject of religious distinction is a dangerous and delicate topic, especially when applied to a country such as Ireland, the situation of which is different in this respect from that of every other. Where the established religion of the State is the same as the general religion of the empire, and where the property of the country is in the hands of a comparatively small number of persons professing that established religion, while the religion of a great majority of the people is different, it is not easy to say, on general principles, what system of church establishment in such a country would be free from difficulty and inconvenience. By many I know it will be contended, that the religion professed by the majority of the people would, at least, be entitled to an equality of privileges. I have heard such an argument urged in this House; but those who apply it without qualification to the case of Ireland, forget surely the principles on which English interest and English connexion has been established in that country, and on which its present legislature is formed. No man can say, that, in the present state of things, and while Ireland remains a separate kingdom, full concessions could be made to the Catholics without endangering the State, and shaking the Constitution of Ireland to its centre." This memorable speech of Mr. Pitt, was printed by the king's printer, and circulated all over Ireland, with the view of allaying the discontents that prevailed there. It was found that, if the Protestants of Ireland held out against the measure, the Union could never be carried; and, as the Protestants were adverse to concession to the Catholics, no distinct and positive pledge was given to the latter body, though there could be no doubt whatever that Mr. Pitt intended to grant their claims. Lord Cornwallis arrived in Ireland in the midst of the Rebellion, and possessed the entire confidence of the king. He arrived for the purpose of putting an end to the horrors that had too long desolated the country. The object of lord Cornwallis was to put an end to martial law and military executions; but he found himself thwarted by the same faction that had before thwarted lord Fitzwilliam and sir Ralph Abercrombie. Upon that occasion, lord Castlereagh told him (Mr. F.), that lord Cornwallis, finding himself opposed in every instance, intended to leave Ireland, and that it was contemplated by a faction in and out of office to follow up the departure of the Lord-lieutenant by a proposition for the re-enactment of the Penal-laws against the Catholics. At the same time he called upon him (Mr. F.) to assist him in supporting the king's prerogative, as far as he could. This he had done to the utmost of his power, while lord Castlereagh stood up in his place in parliament for that purpose. The consequence was, that the desired end was attained, and the faction which before had been so insolent to lord Cornwallis became meek and obsequious. He read a number of letters and other documents, and assumed from them, that Mr. Pitt, lord Cornwallis, the duke of Portland, and lord Castlereagh, at the time of the Union, and subsequently, intended that the emancipation of the Catholics, with some securities for the Protestants, would follow the measure of the Union. He then moved for "Copies or Extracts of all Correspondence between the British and Irish governments on the conduct of the Roman Catholics, and of Communications with them at the period of the Union."

Mr. Secretary *Peel* said, he should confine himself strictly to the question before the House; namely, whether the high official persons alluded to had given such a pledge to support the claims of the Catholics as must bind their successors to the adoption of the line of conduct to which they had so pledged themselves.—He should not deny that Mr. Pitt had been all along favourable to the claims of the Roman Catholics, but only with the proviso that such securities should be given, as would render the admission of their claims secure in the eyes of their Protestant fellow-citizens. It was clear that Mr. Pitt thought the admission of the Catholic claims would greatly tend to settle the Union, and facilitate the measures of government in that country. The question was, whether Mr. Pitt, or those in the administration of affairs under him, had given that sort of pledge which amounted to an understanding, that in the event of the Union with Ireland being carried, the claims of the Catholics to political power should be conceded. He would broadly deny that such a pledge had ever been given. And this he would do on the strength of documents which were accessible to all. The right hon. gentleman had alluded to the assurances of Mr. Pitt, lord Cornwallis, and lord Castlereagh, on whom he placed, it seemed, great reliance. It was clear that both the former were favourable to Catholic emancipation. In consequence of being thwarted in this instance, Mr. Pitt evinced his sincerity by resigning. Of the then Viceroy of Ireland, the marquis Cornwallis, he had never ceased to admire the integrity, simplicity, and manliness of that nobleman, throughout this and other parts of his patriotic career. As to the conduct or professions of that nobleman, he would deny that he had ever been instrumental in creating the impression that such a pledge had been given by the members of the English or Irish governments. No persons could possibly give better authority or evidence on the subject than those who were the prominent political parties in the arrangement. Would it not be fair to infer, that had Mr. Pitt so far pledged himself to the Catholic body, he would, in his letter to the king in 1801, previously to his resignation, avowedly because he would not bring forward the question of emancipation with the authority of government, have said, "I feel obliged to resign my place in your majesty's council, because the obligations of good faith will, in my opinion, be violated unless the question is conceded." No such sentiment, however, escaped from him in that letter. Shortly after the Union Mr. Pitt retired from office; and in doing so it was impossible to deny that he gave a conclusive proof of the value which he set upon the settlement of the Catholic question. In 1805, Mr. Pitt returned to office, and in that year the Catholic question was again discussed. He would beg the House to attend to the speeches which were delivered on that occasion, one of which he should never forget, for he happened to have heard it.—He never heard a speech which made a greater impression on his mind, than that delivered by Mr. Fox during that debate. Both Mr. Fox and Mr. Grattan were intimately acquainted with all the arrangements which preceded and accompanied the Union. But did Mr. Grattan, in the debate of 1805, charge Mr. Pitt with a breach of faith, in returning to office without having settled the Catholic question? If pledges had been given, would he not have called on Mr. Pitt to fulfil those pledges? But, what were the expressions of Mr. Pitt himself in 1805? They showed simply that he was still favourable to the question; but they demonstrated that he never gave any pledge.—The right hon. gentleman then read an extract from Mr. Pitt's speech in 1805, where he said that he had been against the Catholic question before the Union, but that after that measure had been completed, he was in favour of the question; but he denied that he had given any distinct pledge to the Catholics that their question should be carried; but he admitted stating that the justice and policy of making concessions were more likely to be made apparent in a parliament of the United Kingdom, than in that of Ireland. "I come, then," concluded Mr. Pitt, "to the discussion of this question perfectly free and unfettered." Such was the language of Mr. Pitt in 1805. If, then, he placed, with the right hon. gentleman, confidence in the character of Mr. Pitt for sincerity, he could not but deny the assertion, that Mr. Pitt ever gave pledges on this question. Again, the language of Mr. Fox on the same occasion was material. "I have been told," said Mr. Fox, "that no promise was made to the Catholics, and I believe it; for no minister could pledge himself to do that which parliament alone could effect."—He now came to an individual who was placed in as delicate and trying a situation as Mr. Pitt—he meant lord Cornwallis.—The right hon. gentleman had said, he admitted that lord Cornwallis and Mr. Pitt could not enter into any open discussion of the question with the Irish parliament; for being a parliament so entirely Protestant, it was impossible not to see, that if they thought the Catholic question had a better chance of being carried by an united parliament, they would not have consented to the Union. Now, if that were the case, did it not strike every person, that it must have been an extremely difficult thing for the minister to authorise the Viceroy to make a declaration to the Catholics, and yet that that communication should be kept secret from the members of the Protestant parliament. The right hon. gentleman had said that lord Cornwallis had stated to Mr. Plowden, that the ministers of 1800 never gave a pledge that they would not return to office unless the Catholic question was carried. But he begged to call the attention of the House to the correspondence between lord Castlereagh and lord Cornwallis.—The right hon. gentleman then read the letter of lord Castlereagh, on March 3, 1801, and concluded by saying, that it was evidently lord Cornwallis's opinion, that no pledge had been given. The only other authority to which he would refer, was that of lord Castlereagh, certainly the most material instrument in carrying the Union. Lord Castlereagh, on May 25, 1810, in the face of the country, and in the presence of the right hon. gentleman opposite, used this language:—"He was under the necessity of again noticing insinuations such as had been too often falsely and ignorantly made, that pledges were given; he considered that the practice of representing that breaches of faith had been committed, tended to excite a strong sense of suffering. It was singular that if pledges were given, none of the parties to whom they were addressed, should come forward to claim their execution. He could take it upon him to assert for himself, and for those who belonged to the government at the time, that no pledges had been given. At the same time the Catholics very naturally formed expectations from the general language held out to them, and particularly from what was repeatedly told them, that their question would be in a better condition for a satisfactory settlement before the united parliament, than before the then parliament of Ireland." Such was the language of lord Castlereagh. The right hon. gentleman had spoken of a letter, which, if he could get possession of, it was all he wanted. Now, he had no difficulty in saying, that if the motion was carried, he could produce no such letter of Mr. Dundas. It was not written in his capacity of minister. It was a letter conveying the opinion of Mr. Dundas, and stating what course he should pursue; but there was no record of it in the Home Office, the Castle of Dublin, or the Colonial Office. He must say, that in relying on reports of parliamentary speeches, and upon public declarations of official men, the right hon. gentleman had laid no foundation for the production of the private and confidential correspondence of ministers. Should the motion be agreed to, he should certainly feel it his duty to comply with it; but it would be with extreme reluctance, for several reasons. The chief object in calling for the papers was, to satisfy the House as to the course taken by the Roman Catholics with respect to the Union. It would be impossible, from the state in which the parties were, to present extracts of the correspondence without mixing up party politics. The letters were written in a moment of excitement, when the parties spoke of each other in terms in which they would not now do. He was sure he could satisfy the right hon. gentleman, that nothing could be so inconvenient and unwise, as to revive the excitement of that period. These were the grounds on which he opposed the motion. He had avoided all topics of an irritating nature. He had attempted to state the grounds on which he differed from the right hon. gentleman, only by reference to those authorities to which every man had access. He had stated as much as possible respecting the expectations said to be held out to the Roman Catholics at the time of the Union, for the purpose of rescuing from obloquy the characters of three such men as Mr. Pitt, lord Cornwallis, and lord Castlereagh; and he thought he had proved that no pledges had been given by them, and subsequently broken, that could be deemed obligatory on an honourable mind.

Mr. *O'Brien* expressed his alarm at the present state of Ireland, and said he should feel more alarmed than he was, if he did not conceive that his majesty's government would speedily be obliged to find a remedy for this state of things. At present the only political expedient they had found to reconcile an exasperated people was to heap on them impotent reproaches. Their policy was the scorn of Ireland and the derision of Europe. The great question at issue was, whether the Catholics should obtain emancipation, or the two countries be disunited? The Catholics would shew themselves unworthy of receiving the rights they asked, if they ceased to demand them. He wished to see them succeed, and for this reason he had become a member of the Catholic Association. Whatever influence his name and character could command in Ireland should be used to promote the cause of the Catholics.

Earl *Jermyn* rose to support the motion. The question was whether any expectation had been held out to the Catholics at the time of the Union, and whether their conduct had been influenced by such expectation? He would say, that each of the three orders, the clergy, the nobility and gentry, and the lower classes had received inducements from Mr. Pitt to support the Union. He had held out to the higher ranks the prospect of getting into parliament, to the lower the idea of some effectual measure of relief, and to the clergy that of a competent provision, provided they would assist in carrying the measure.

Mr. *Spring Rice* rejoiced that his right hon. friend had brought forward the motion, for he could not help thinking that he had obtained much from the right hon. Secretary, who, though he did not agree to the motion, had opposed it upon grounds which confirmed much of what his right hon. friend had stated. His right hon. friend had never said, that a direct pledge was given to the Catholics at the time of the Union. But he had said, and the point was conceded to him, that an expectation was held out from the highest quarter, that the question would be brought nearer to a favourable decision, if the Union was carried; and that the Catholics had supported it on that understanding. As for the allusion made to Mr. Grattan, he was the last man who could have had any cognizance of what passed between Mr. Pitt and the Roman Catholics. At the time, he was the avowed enemy of the

Union and the government, and therefore could not expect to be made acquainted with any of their arrangements. Having said thus much, he would advise his right hon. friend not to press the motion.

The motion was withdrawn.

HOUSE OF COMMONS.

Friday, July 4.

ORDNANCE ESTIMATES.] The House having resolved itself into a committee,

Sir *H. Hardinge* said, he rose for the purpose of moving the Ordnance Estimates, and, in doing so, he did not think it necessary for him to go into any lengthened explanation. The voluminous report of the Finance Committee was a sufficient explanation of the delay that had occurred; seeing that it was considered desirable to have that report on the table, in which the Ordnance department was examined, previous to bringing forward the Estimates. The expenditure of the Ordnance for the year 1828 amounted to 1,785,196*l.*; from which was to be deducted credits given to the public to the amount of 220,000*l.*, making the total 1,565,196*l.* Now, this amount shewed a reduction of 82,776*l.*, as compared with the preceding year. The decrease arose from a saving in the repairs of English, Irish, and foreign barracks of 82,889*l.* To this was to be added 29,890*l.* on account of military stores, making a total of 112,779*l.* However, this diminution, as far as the repairs of barracks were concerned, was no actual saving, but only a postponement of the expense of repairs till the next year. With respect to the saving in the military store branch, of 29,890*l.*, that would be in a great degree permanent, for it related to the article of iron bedsteads. The effective charge of the Ordnance branch for 1828, exclusive of sea service, was 841,771*l.* In 1815, the last year of the war, it amounted to 3,835,425*l.* So that in this department, a reduction had been effected of nearly three millions. It should also be remarked, that in this department the expenditure of 1828 was 201,000*l.* less than in 1820; and a million sterling had been saved in the last nine years, in the Ordnance branch alone. But if we took into account the departments consolidated with the Ordnance, the diminution would appear still greater; for in 1820, the expenditure was 2,220,149*l.*; in 1828, 1,785,096*l.*; making a reduction of 434,951*l.* As a measure of economy, then, the consolidation that had taken place in this department, was proved to be effectual.—The Ordnance department was the great dépôt of military stores. The expense of this department depended upon the wants of other departments; and an increased expense had taken place, by reason of the extension of our colonies, our fleets, and armies. Of all departments, the Ordnance was that which was of the slowest growth; and if once impaired or put down, it would be the most difficult to reorganise. The average expense of the last five years had been 1,940,000*l.* — 2,000,000*l.* of old stores, savings, rents, &c., were credited to the public since 1817, in diminution of the votes. With respect to the military part of the Ordnance, in his opinion it had been reduced as low as it could. The proportion of artillery in the field, to the number of the army, was less in the British than in any continental service; it had one gun to every five hundred men—the French, one to every three hundred—and so with respect to the troops of Germany. In time of war, we had one artillery-man to every nine soldiers of the line; and in peace the number had been reduced, till the proportion was one to every fourteen of the line. In the Civil Departments transferred to the Ordnance, the reduction amounted to one hundred and seventy-four clerks, and the salary saved thereby to 47,000*l.* With regard to the stations kept up by the Ordnance, the number did not exceed by more than two or three, those kept up in 1792. This was exclusively of Ireland and the colonies; the stations in which were, at that time, under separate heads of expenditure. He next came to the Artillery Superannuations. The non-effective of the artillery was at the highest in 1820, when the expense amounted to 333,584*l.*; which, in 1828, was 306,483*l.*, making a reduction of about 30,000*l.* The superannuations had now reached their maximum; the number of pensioners, in 1820, was nine thousand, nine hundred and eighty four; in 1828, eleven thousand, two hundred and sixty-nine. The deaths in the last five years were nine hundred and seventy, forming an average of one hundred and seventy four annually. The number of men pensioned from the regiments of artillery averaged one hundred and eighty; consequently, the decrease was fourteen a year.

The increase arose from the number of registered men put on the pension list. In civil superannuations the Ordnance department had past its maximum. In 1822 the expenditure was 51,552*l.*; while the average of the last four years was only 45,000*l.*—He next came to the Barrack department. In the whole of England and Ireland, the accommodation for troops in time of war was for two hundred and sixty-one thousand men: in peace it was only necessary to accommodate eighty-nine thousand. By the reduction that had taken place in the Irish Barrack department, 38,000*l.* a year was saved. He now approached a part of the subject which he contemplated with considerable apprehension. He alluded to some of the recommendations of the Finance Committee, with respect to certain reductions in the Ordnance department. He was one of the last who would set up his individual opinion in opposition to what had been recommended by a committee of that House; but he could not help thinking that the committee had been a little too severe on the Ordnance department. The Finance Committee had stated, that the Board of Ordnance had performed their duty with zeal and spirit, and they bore testimony to the great exertions which had been made by the duke of Wellington. Whilst the recommendation of the committee would be assented to by government as far as the reduction of the salary of the clerk of the Ordnance and the Surveyor-general, there was another point to which assent could not be given. He alluded to the office of Lieutenant-general of the Ordnance. The government had assented to reduce the salary of the Surveyor-general from 1,837*l.* to 1,500*l.* per annum immediately, and to 1,200*l.* per annum after a certain period. They assented to the reduction of the salary of the principal Store-keeper, the Secretary to the Master-general from 1,500*l.* to 1,200*l.* a year. He must beg leave to say, that the clerk of the Ordnance, in time of war, received 2,376*l.* For the last three years the fees had amounted to 663*l.*, and the salary to 856*l.*, amounting to 1,609*l.* per annum. If a mean term was taken between war and peace, the total receipts by this officer were 1,945*l.* Government had, in 1824, reduced that officer's salary and emoluments to 1,800*l.*, and it was now proposed to reduce the salary to 1,200*l.* a year. This officer was obliged to have a seat in that House, and bore the responsibility of his department in parliament. The duties were very serious, and very troublesome, as he well knew by experience. He was satisfied that the officers of the Ordnance department would cheerfully submit to the pecuniary sacrifices recommended by the committee; but he thought it very severe to praise the department for its zeal and spirit, and then recommend a reduction of salaries by one-third of their amount.—With regard to the continuance of the office of Lieutenant-general of the Ordnance, his majesty's government differed from the Finance Committee, and felt it essential that that office should be retained. The Finance Committee say; "The commissioners of Military Inquiry entered into considerable details relative to the duties of this office, and made the following observations upon it:—'From the information given to us respecting the actual performance of any distinct duties by the Lieutenant-general of the Ordnance, we incline to the belief, that this appointment was not essential to the constitution of the department, especially if it were to be understood, that the attention of the Master-general should not be withdrawn from the duties of his office by other appointments.' The committee concur in this opinion; and, adverting to the fact, that the Lieutenant-general has been absent from England at different times, they are of opinion that, during peace, the office of Lieutenant-general may be dispensed with, and the salary of it saved to the public." Now, he thought he should be able to shew, that the military commissioners had been mistaken in giving that opinion in 1811. If they looked to the evidence given by lord Chatham, they would find that that noble lord expressed his surprise, that any man could for a moment question the utility of the office of Lieutenant-general. Lord Moira did not go the same length; but he delivered a strong opinion upon the subject. In the thirteenth report of the military commission, it was stated that the Board of Ordnance should form one general commission, of which the Lieutenant-general was to be the head; and that as the four junior members of the Board would have no employment, the patronage of the office was to be enjoyed by all in rotation. In the Finance Report, they would find a different statement. "The committee are of opinion, that where there is collective responsibility, each individual is disposed to consider himself as in a great degree relieved from personal responsibility; but that where there is individual responsibility, no such feeling can exist; responsibility is then brought home to each individual, and is a constant motive to render him faithful in the discharge of his public duty." Now, he would leave it to the impartial consideration of the committee to consider whether the opinion delivered by the Finance Committee, relative to the Board of Ordnance, was not at variance with that given by the military commission? The duke of Wellington was decidedly of opinion, that the office of Lieutenant-general was necessary to the Ordnance service. The second question put to his grace was —"Do you consider the continuance of the Lieutenant-general of the Ordnance as essential to the well-being of the service?—Yes, I do. The Lieutenant-general has some very important duties to perform. I do not mean to say that the Master-general cannot perform them—for he does sometimes perform those duties. In my time, the Lieutenant-general was absent sometimes, and at other times I was absent myself. When he was absent I performed his duties. He has some duties to perform which are very important, and it is essential to the well-being of the service that he should perform them." Now, after this statement, it was hardly necessary that he should take up much of the time of the House upon this part of the subject. He had himself been twice examined before the Finance Committee, and he there stated opinions similar to those delivered by the duke of Wellington. He stated the fact, that when lord Beresford was absent for three or four months, he (sir H. H.) performed the duties of Lieutenant-general, and very laborious he found them. It should be remembered, too, that lord Mulgrave held the office in 1814, a period of peace; and it was permitted by the Finance Committees of 1817, 1818, and 1819; all of which were periods of profound peace. From this it was natural to infer, that it was considered for the benefit of the service to continue the office. So far back as 1751, the duties of the office were laid down on the same principle that they were at present. He might be told, that the absence of the present Lieutenant-general was the best evidence that that office could and ought to be dispensed with. If such were the feeling entertained by the committee, then the more respectful course towards the duke of Wellington and himself, would have been not to have examined them at all. Lord Beresford had, it was true, been absent for three months, while holding the office; but, so sensible was he of the great inconvenience caused to the service by his absence, that he resigned it, and sir G. Murray was appointed to succeed him.—The other reductions recommended by the Finance Committee had been made, and were to commence from the 1st of July. He assured the committee that government were most anxious to make every reduction that could be made, consistently with the public service; and to make it appear that they were actuated by that intention, he ought also to mention, that the salary of that office was reduced from 1,500*l.* to 1,200*l.* a year; and that, while the Finance Committee were still sitting reductions had been made to the amount of 9,000*l.* He would now move, "That 24,935*l.* be granted to defray the salaries of the Master-general, the Lieutenant-general, and the other officers and clerks of the Ordnance; 25,981*l.* having already been granted on account of the present year."

Sir *H. Parnell* said, that since it was intended to sustain the office of Lieutenant-general of the Ordnance, he should move as an amendment, that the salary be reduced from the proposed 1,200*l.* to 600*l.* a year. With respect to the arguments of the right hon. gentleman, not a few of them went to destroy his own position. If the evidence of the right hon. gentleman and of the duke of Wellington was entitled, as no doubt it was, to such peculiar consideration, so much the stronger must that case have been, which had compelled the committee to take a course in opposition to it. The recommendation that the office of Lieutenant-general should be dispensed with, had been given after mature consideration, and one of the fullest divisions which had taken place in the committee. There could be no doubt of the purpose for which the office had originally been instituted; namely, to be a sort of double to the office of Master-general; the holder of it to perform the duties of master, when it was not convenient for that officer to be in the way. Or perhaps it had been intended, that the Master-general should be a high state officer, and that the duty should be performed by the Lieutenant-general, as his deputy. Lord Cornwallis, for example, had been Lord-lieutenant of Ireland while he held the office of Master-general, and the duty was executed entirely by the Lieutenant. Then, certainly, if there was a necessity for having some person occasionally to do the duty of the Master-general in his absence, the expense of such assistance ought to be borne out of the general fund granted for the Ordnance service. With respect to the Ordnance department the services which it had rendered to the country had been fully borne witness to by the Finance Committee, and the committee had also taken honourable notice of the reductions which had been effected previous to its report; yet still he thought that the service of that department was carried on at too expensive a rate. He should move as an amendment, "That the grant be reduced to 24,335*l.*"

Sir *E. Owen* said, it had been assumed, that the Master-general was president of the Board. This was not the case. The Lieutenant-general presided, and was the organ of communication between the Board and the Master-general. In his opinion, it was impossible to dispense with the office of Lieutenant-general, without detriment to the public service.

General *Gascoyne* said, that the amendment of the hon. baronet seemed to him to amount to this—that the Lieutenant-general might be got rid of, by appointing another general officer in his room. The hon. baronet, however, appeared to forget, that, by the rules of the army, no officer could undertake any of the duties to which he had alluded, without regularly receiving a staff appointment. He contended, that the office was useful, as a mark of distinction for past services, as well as an object of remuneration. It was on this principle that it had been held by Marlborough, Argyle, Granby, and Wellington. Out of the whole staff appointments, the office in question was the most unfortunate selection the committee could have made. Why not reduce the staff in Ireland, where Lieutenants-general commanded only one thousand or two thousand men, whereas the Lieutenant-general of the Ordnance commanded nine thousand.

Mr. *Bankes* said, he could not bring himself to sanction the continuance of the office, even upon the high military authority that had been brought forward in its support. How did it happen that the Master-general and the Lieutenant-general were never employed together at the same time? What did this prove, but that the Master-general had, in the Lieutenant-general, a deputy to act for him upon all occasions. The Finance Committee thought that the present system of the Board of Ordnance worked well, and, therefore, they did not propose any alteration in it; but they did not think that a link between that Board and the Master-general, by means of the office of Lieutenant-general, was at all necessary.

Sir *George Clerk* said, that the whole objection to the office turned upon the single point, that the Master-general and the Lieutenant-general were not found acting together at the same time. Now, what was the fact?—Why, that ever since the duke of Wellington was appointed to the head of the department, not only was he unremitting in his own attention, but, under his direction, the Lieutenant-general was sedulously employed during the whole time, except for the short period when lord Beresford happened to be away.—When lord Beresford found that he could not return within the term of three months, he resigned; and the duties of the office were then discharged by his gallant friend near him. All questions respecting disputed points abroad must necessarily be laid before the Lieutenant-general. If the several circumstances of minute detail were to be brought under the consideration of the Master-general, it would be impossible he could attend to them all. The greatest inconvenience would arise if the office were done away with.

Mr. *Maberly* said, that he, in common with the other members of the Finance Committee, found that very strong prejudices with regard to this establishment existed among military men. All, therefore, that the committee could do, was to deal with those prejudices, or prepossessions, for the best interests of the country. In recommending the abolition of this particular office, the committee acted with the strictest impartiality; and, upon the same principle, he should not hesitate to recommend the abolition of the office of Master-general, if he thought the public interest required it.

Sir *J. Sebright* said, he did not think himself justified in voting for the abolition of the office. If the artillery was once suffered to fall into decay, it would take years to restore it. It was at present in a high state of perfection, and had excited the admiration of the continent. He called upon those who knew no more of the subject than himself, not to disturb that which was now so effective.

Mr. *Bernal* joined in all the praise which had been uttered on the artillery service. He considered, however, the deputy totally unnecessary, if the principal did his duty, and should, therefore, vote for the amendment.

Colonel *Wood* supported the utility of the office, and said that it was impossible for the senior officers of the artillery to discharge its duties, from their advanced age, they being seldom less than seventy, when they reached the rank of general officers.

Mr. *Wilmot Horton* referred to the evidence given by the duke of Wellington before the Committee of Finance, and said that, upon this evidence, he was entitled to say this office ought to be retained. It was no argument against the office, that the Lieutenant-general was allowed to absent himself and to do the duty by a deputy. He was sorry to vote against the recommendation of the Finance Committee; but he felt it right to support this office.

Mr. *Baring* said, he thought in theCommittee up strairs, and still thought, that this office might be got rid of. The discussion he had heard that night had confirmed him in his opinion. The artillery department was now said to be in an excellent condition, and it was urged as a reason for retaining this office; but he begged to remind hon. members, that, when the department was in quite an opposite state from the present, this same office of Lieutenant-general existed.—The best evidence of its uselessness was the continual absence of the person who filled it. That fact was worth volumes of opinions of official persons, however respectable they might be. He should support the amendment.

Mr. *Calcraft* said, he would not vote for the continuance of this office if he did not think its duties necessary, or if he thought the state of the finances such as could not allow of its existence. Those members of the House, who, like himself, were not members of the Finance Committee, and who were therefore ignorant of the Committee's motives for recommending the abolition of the office, should decide on the evidence given in the report. On this ground he appealed to the House whether they could doubt the necessity of upholding the office in question. Was there any authority against the continuance of the office? It was said that lord Moira declared, if the Master-general were present, the office of Lieutenant-general would be unnecessary; but against that there was the authority of lord Chatham. True, the Commissioners of Military Inquiry had thought it might be dispensed with; but, at the same time, they recommended an arrangement, and a board, over which the Lieutenant-general should be placed. The duke of Wellington, some years ago, had reduced the Ordnance department to the lowest scale possible. As to the assertion, that the absence of the Lieutenant-general proved the office unnecessary, he could prove that the Master-general and Lieutenant-general of the Ordnance were more unfrequently absent from their duties than the officers of any other establishment. The absence of the Lieutenant-general was but an exception; yet hon. gentlemen sought to make it the rule. It would be absurd and mischievous to abolish a necessary office, on account of the occasional absence of an officer; but if the officer should continue absent beyond a reasonable time, the inconvenience should be remedied by appointing another to the office. As to the argument, that an officer of the line ought not to be appointed to the situation, his experience in the Ordnance Office convinced him, that an officer of the line was more fitted to fill it than an officer of artillery. On the whole, he should take the evidence of the report, against the opinion of the Committee. He was sure there was enough of business in the Ordnance department for every officer in the establishment. There was one reduction he regretted; namely, that of the salary of clerk of the Ordnance from 2,000*l.* to 1,200*l.* He had himself proposed an increase of the salary in 1824, and had succeeded, with the unanimous consent of parliament.

Sir *J. Graham* said, the right hon. gentleman had, early in the session, declared that he would not allow himself to be bound by the Finance Committee. Even so far back as 1824, the right hon. gentlemanhadcommenced preparations for changing his side, by voting for the increase of the salary of clerk of the Ordnance. The right hon. gentleman's sympathy with the Lieutenant-general of the Ordnance was very natural. The Paymaster of the Army was not far removed from the Lieutenant-general of the Ordnance. When the abolition of the latter was proposed, it was to be expected, that the Paymaster would tremble for his situation. "Jam proximus ardet Ucalegon." He would not charge the right hon. gentleman with inconsistency; but it was for the public to consider whether he was not open to a more grave accusation. The right hon. gentleman had shewn indiscretions, in the usual zeal of a new proselyte, and a shortness of memory also; for the right hon. gentleman had put a case hypothetically, which he ought to remember was a fact.—He had said, "if there were any persons in that House who desired to reduce the public expenditure to the lowest scale."—Surely there was no necessity for an "if." The right hon. gentleman must know, that the only bond which united gentlemen at that side of the House was the principle of effecting all possible saving in the expenditure of the public money. The hon. baronet then went on to shew, from the evidence on the report, that the office was unnecessary, and ought to be abolished.

Sir *G. Murray* said, that the hon. member for Dorsetshire seemed to think, that the duties of the office now under consideration had not been increased by the addition of the various departments which had been transferred to it. The duties both of the Master-general and the Lieutenant-general of the Ordnance had been considerably increased by the addition of those departments; but though there had been an increase of labour to them, the change had been attended with the greatest benefit to the public service. The gallant officer proceeded to argue, that it was highly necessary that a military officer of rank and ability should preside in the board, as military questions might frequently come before it. Allusion had been made to the absence of the Master-general and Lieutenant-general of the Ordnance; but he quite agreed with the Paymaster-general, that this was the exception and not the general rule. He thought too, it would be extremely wrong that government should be debarred from having recourse to the services of an experienced and able officer, because he happened to be connected with the Ordnance. There was no man more decidedly favourable to useful saving than he was; but he thought, at the same time, that the House should proceed upon the principle of not injuring the efficiency of the public institutions of the country.

Mr. *Stanley* said, he did not consider that the causes for the reduction of this office were most imperative and peremptory; but, looking to the state of the finances of the country, he conceived, that any reduction which could be conveniently and safely made in the public service should be effected. He therefore felt bound to give his vote now, as the Finance Committee had done, for the reduction of this office; not because its reduction was called for more imperatively than that of other offices, but because it could be conveniently dispensed with, and because the duties of the department could be as well performed by one officer as by two.

Lord *Morpeth* said, that the chief, and indeed only, argument of the gentlemen opposite seemed to be, that there was sufficient business to occupy both the Master-general and Lieutenant-general of the Ordnance; but even if their statement had not been triumphantly met, there was one stubborn fact—the fact of the repeated absence of this "indispensable" officer, which could not be got over.

The *Chancellor of the Exchequer* maintained, that the loss to the public service by the removal of the Lieutenant-general of the Ordnance would more than counterbalance the good which would be derived from the saving of his salary. He quoted the authority of Mr. Canning, who, on a former occasion, when the subject was under discussion, maintained the necessity of the office in question. It was said, that in the absence of the Lieutenant-general, the duties were sufficiently well discharged by the Master-general. But, if the Master-general had to perform the duties of the Lieutenant-general as well as his own, a relaxation in the discharge of both duties must sooner or later follow, and be attended with a public injury.

Sir *M. W. Ridley* said, that this was not a question of absence or not, but whether an office which might have been necessary in time of war, was so in the time of peace? In his opinion, nothing had been shown in favour of that continuation, and he should therefore vote against it.

Mr. Secretary *Peel* said, that the government had already made reductions to the amount of 9,000*l.* a-year. Could any thing give a stronger proof of its disposition to retrench? The Finance Committee had taken the opinions of the duke of Wellington and of his right hon. friend, and on comparing the estimates of 1820 with the estimates of 1828, they would find that a reduction of 435,000*l.* had taken place. Under these circumstances, he thought the government was entitled to some credit. He thought it would also appear, on the evidence of the best authorities, that the office of Lieutenant-general was necessary; though the individual holding it might be absent for a time on the business of the State.

Mr. *Brougham* said, he did not regard the question as one of overwhelming interest, but he thought it possessed interest sufficient to call for the serious attention of the House. It was the first occasion upon which the Finance Committee had called upon the House to say aye or no to one of its propositions. Was the House prepared to say no? Would the House of Commons be decided by authority alone, without going into the investigation of facts? It had been contended, that absence did not justify a forfeiture of the office; but was it not important evidence, that Lieutenants-general might be absent for a year or more, and was it too much to conclude from such evidence that the appointment might be dispensed with? As to the smallness of the saving, it had nothing to do with the question. Burthened as the country was at present, no sum could be too small to oppose, if it was unnecessary.

The Committee divided: For the Amendment 95; Against it 204; Majority 109.

HOUSE OF COMMONS.

Monday, July 7.

ORDNANCE ESTIMATES.] The House having resolved itself into a Committee of Supply, Sir H. Hardinge moved, "that 18,900*l.* be granted for defraying the Salaries of the several Civil Establishments of the Ordnance, for the year 1828."

Mr. *Hume* said, the gallant officer had declared, that the military part of the service was brought as low as the circumstances of the country admitted. There he was at issue with him. He would not dwell on the question, whether we ought to have artillery-men in the proportion of one to nine, or one to fourteen of our other force, or whether the number of guns should be one to five hundred. The proportion in which States on the Continent kept up their military establishments, was not a matter to which that House should give much attention, in considering what force was necessary for us in time of peace. This country should take advantage of its insular situation, and diminish its military establishments to as low a scale as circumstances would admit. Now, instead of diminishing, our force had been increased to an enormous extent, as compared with 1792, and even with 1822. The artillery force had also been increased much more than was necessary; and though the Committee of Finance seemed to be of that opinion, they felt a delicacy as to any interference with respect to the numbers of men to be kept up in that department; leaving it rather to the judgment of government, or to the consideration of the House. Now he felt no delicacy of the kind, and therefore it was his intention to propose a reduction of the number of men. The hon. member then went into a detailed statement, in order to show the increase that had taken place; and, in conclusion, observed, that when the vote respecting the numbers to be kept up in the artillery was proposed, he would move as an amendment, that they be reduced by one thousand men.

After a short conversation, the resolution was agreed to.

Sir *H. Hardinge* next moved, "That 30,000*l.* be granted towards defraying the expense of Military Works at Kingston in Upper Canada, and Halifax in Nova Scotia, for the year 1828; upon an Estimate not exceeding 330,644*l.*" The works were of great importance, as constituting the new works for the defence of our North American colonies. In 1819, the duke of Wellington was desired, by the Colonial Secretary, to report upon the military defence of Canada; more particularly with the view of arranging the line of defence and communication from Montreal to Kingston, the navigation of the river St. Lawrence as connected with it, and the completion of the Rideau Canal. He spoke of these works now in a military point of view, and not as connected with important commercial considerations. The great point, in that sense was, to secure a safe and rapid line of communication, for troops acting on the defensive upon the Canadian frontier. In 1824, the duke of Wellington sent a military commission to report on this line of fortifications, and from their information it was found, that, except Quebec, there was no safe point where a single gun, or the smallest portion of military stores, could be lodged in the whole line, between Montreal and Kingston, so as to ensure their safety. To fortify Kingston was of great importance, because it not only supplied a place of security for stores, but it gave protection to vessels, and formed a fortified harbour on Lake Ontario. It was the only fortification on the lake. It would also be necessary to defend other points. The Ordnance department was unwilling to leave any-thing undone; because it had generally been reproached with having neglected to take precautions of defence in time. The fortifications proposed were divided into three classes; the first was the most necessary; the second and third might be postponed for a term of years. The present plan embraced only the first class of works, which would require 900,000*l.*, if they could be executed; but the present vote was to apply only to works at Kingston and at Halifax. The propriety of fortifying Kingston and Halifax could not be doubted. At present, an enterprising enemy might land in the neighbourhood of Halifax, get in the rear of the town, and destroy it with the dock-yard and all the stores.

Mr. *Stanley* complimented the gallant general on the ingenuity with which he had brought forward the measure. The vote was now for 30,000*l.*, but behind it there was another for 900,000*l.*, and when this was gained, there would come a vote for 1,900,000*l.* exclusive of the vote of 500,000*l.* for the Rideau Canal; 30,000*l.* was the sum now demanded, but 2,300,000*l.* was the sum the House, by that vote, was called on to pledge itself for. If he wanted any proof of the animus which actuated this half-military, half-civil government, what stronger evidence could he have than their conduct on this occasion? For the first time on the 4th July, the House heard of a supplementary estimate of 30,000*l.* and were called upon to vote that sum on the next day. This vote pledged the House to a further expenditure of 2,000,000*l.*, and that at a time when the Finance Committee was appointed, on account of the desperate state of the finances. By the lowest showing, the expenditure would be 2,500,000*l.*; and this was to be spent upon a country which they were told it would be so difficult to retain. Had the Treasury Bench forgot that another committee was then sitting upon the government, or rather mis-government, of Canada—to ascertain how far ministers had alienated the affections of the people, the only fortifications which the mother country could depend upon, for the preservation of the colony? It was said, that they were required as a defence against an enterprising enemy. Why, all these works would afford no defence against such an enemy and under such circumstances. What were the Americans doing at Sackett's Harbour, on the opposite side? They had dismantled all the works, and they husbanded their resources, until they should be required. He contended, that these fortifications were perfectly unnecessary; seeing that these colonies in the last war, had been able to defend themselves against any invasion. For his part, he did not think that an invasion on the part of the United States, was at all to be dreaded. He should oppose this vote, as the House, by agreeing to it, would give its sanction to a further expenditure of 2,500,000*l.* in the erection of works which were, in his opinion, perfectly unnecessary.

Sir *E. Owen* considered these fortification necessary to preserve the dépôts and communications between the different points of defence.

Mr. *Maberly* said, the total amount to be expended upon these works, was three millions at least. But was this all? Certainly not; for it was manifest, from the estimate of the duke of Wellington, that they would require a large force for their defence. And then there was no certainty of our being able to hold Canada. When these works were established, the colonists might take it into their heads to say, "We are not satisfied with your government; we wish to govern ourselves." Thus the country would have had the expense of establishing the works to no purpose. But, he would ask, of what benefit was Canada to us, in a commercial point of view? He would say that, instead of a benefit, it was a disadvantage. We could procure timber better and cheaper from Norway.

Mr. *Robinson*, hearing it admitted, that the resolution would certainly involve an expense of 300,000*l.* and fearing that it might lead to an indefinite expense, felt it his duty to vote against it.

Lord *John Russell* said, it was hard that the House should be called upon to come to this vote at so late a period of the session; but part of the fault lay with the Finance Committee. Having examined the subject in all its bearings, they left it to the House to decide the question. If that was the result at which they arrived, it should have been made known to the House some months earlier.

Mr. *M. Fitzgerald* complained of the practice of treating the question of the colonies as a matter of pounds, shillings and pence. If parliament was determined to have colonies, it was their duty to preserve them. Halifax was one of the finest harbours in the world, and as long as we held it, and had a canal to carry up stores into the interior, the Americans would never again venture to attack us upon Lake Ontario, or disturb that commerce which we carried on with the inhabitauts of the distant settlements. Looking, therefore, at the importance of preserving Canada, and the importance of being provided with a proper defence in the event of war, he felt bound to support the grant.

Mr. *Labouchere* said, that no person was more certain than he was, that it was impossible to keep Canada without possessing the entire and cordial affections of the inhabitants; and while those affections were devoted to this country in the manner they had been, he would be the last man in that House to consent to abandon the country or the people. In the event of a war with America—which, though he did not think probable, he was bound to view as possible—it would be found that they had laid out the money now called for most economically. He wished this country to remain on friendly terms with the United States, and therefore he thought it unwise to hazard that friendship, by leaving Canada a tempting object for invasion. He should support not only the present, but all future votes, of the like nature. This country would not be acting fairly and justly to Canada, if protection were not extended to her; and when he spoke of protection, he meant effectual protection. When he said he would vote for the present and for future grants of the same nature, he gave that pledge with this condition—that efforts should be made, and made immediately, to give to Canada a wise, an efficient, and a conciliatory government; and that a complete change should be made in the system of disorder and misrule which had too long prevailed there.

Mr. *Baring* was of opinion, that this was a very important question, not in a pecuniary point of view, but with reference to its consequences hereafter. He did not think that the right hon. gentleman had opened the case quite fairly. Some time ago it was decided by lord Liverpool's cabinet, that the whole extent of the object which government had in view, should be laid before parliament; but instead of coming down, and stating the full extent of what government intended to do, the right hon.gentleman had given a very contracted account of it. It was said 2,300,000*l.* would complete all that was necessary. For his part, he should be very sorry to join a company that would undertake to do it for double that sum. Before they proceeded to expend money in this way, they ought to look to the internal state of those colonies. Now, he would contend, that Canada could not be kept as a colony of this country for a permanency, even if there were no hostile nation near it. It might be retained for thirty, forty, or fifty, years; but he repeated, that Canada was a country which could not be permanently attached to an European state. Having spent million after million on this colony, the result would, in the very nature of things, be, that Canada would be separated from Great Britain. Let them look at what the colony was? It was a large settlement; but not at all like our other settlements, in the East or in the West Indies. In the latter, the employment of slaves and the cultivation of commodities not cultivated at home, rendered an interchange of commerce (with this country beneficial. The same thing might be said of the East Indies. But, in Canada, the people cultivated their farms like ourselves; and their habits and manners were the same as ours. When their numbers increased to eight or ten millions, they would come to this conclusion—that it was neither for their interest, nor for that of this country, that they should continue together. Colonies, he maintained, were a question of national wealth: then, as a question of wealth, what had been the case with respect to the United States. Had not the commerce of this country enormously increased since America had become independent? They had petitions before them from Upper Canada signed by ninety-thousand persons; and from Lower Canada, signed by ten-thousand persons, complaining of the conduct of their governors. These petitioners were not disaffected to the mother country, but their petitions proved what it was for us to persist in forcing our prejudices upon persons of another country. They complained of their governor, saying, 'that he was alike negligent of the public, money, and prodigal in the expenditure of it.'" This was their representation of their governor; and yet the House had been told, that lord Dalhousie had given great satisfaction to the government. He did not mean to say that lord Dalhousie had erred intentionally; he thought he had mistaken his road in the government of the colony; but the fact was, that ministers still thought lord Dalhousie the best governor possible, and therefore it was clear, with the best of governors, what the result of a distant government's conduct to a colony would be. The history of all colonies proved the same fact. He did therefore think, that the head of the colonial department ought to consider what benefit would result to this country from this possession. They could not consider this great question at a better time than the present, when they were at peace—when they were threatened by nobody, and when they could therefore adopt any measure upon the subject without compromising their dignity. His decided opinion was, that all the colonies together presented great difficulties, and that it would be wise to consider whether the time was not now come, when, by parting with them, as good friends, they would not be more likely to benefit this country, than by plunging it into an extensive, and perhaps, after all, a useless expense. If, on the contrary, it was thought advisable to continue these fortifications, he could only say that, come the time must, when, in spite of fortifications, the struggle to maintain these possessions would be useless. If they supposed that they had nothing to fear from the Americans but a militia, they were mistaken. If they proceeded on such a view, they proceeded in ignorance. Let them ask their own officers, who had inspected the military schools of America, and they would find that, though America, had no force on foot, it had a great force in preparation. On these considerations he objected to the vote.

Sir *G. Murray* said, it had been objected, that this vote was brought on at a late period of the session; but what was the reason of it? It was wished that these estimates should be investigated by the Finance Committee; and the hon. member for Preston complained, at one and the same time; first, that the vote was brought on so late; and next, that it was not postponed until they had received the report of the committee who were inquiring into the state of Canada. He begged the House not to be misled by the supposition, that this was a system of fortification, and that if one part of the works must be performed, all must. The House was not called upon to pledge itself to any thing of the kind. Two of the works which it was now proposed to erect were necessary retreats of security and repair for our gallant navy, which might be injured in engagements or by tempests. It had been said, that we never could maintain our naval superiority on these stations; but certain it was, that we had done so during the last war. He thought that there were sufficient grounds to justify these two works. As to the Rideau Canal, an hon. friend had stated the importance of it in a commercial view; but it was more immediately required on military grounds. The conveyance on the St. Lawrence was difficult enough in time of peace, but almost impracticable in time of war. To give the House an idea of these difficulties, he would mention a few facts which occurred in the late war. The conveyance of a twenty-four pounder from Quebec to Kingston cost from 150*l.* to 200*l.*, and the conveyance of a sheet anchor of seventy-six hundred weight cost 197*l.* There were two brigs sent out from this country in frames to Montreal, and the cost of the conveyance of one of them from Montreal to Kingston was 30,000*l.* He called upon the House to decide, whether they were ready to abandon these colonies, or preserve them with that high spirit and independent feeling, which this country had hitherto manifested.

Mr. *W. Horton* defended the Canadas from the imputations of disloyalty, and expressed a hope that the time was not distant when the question relative to them would be fully discussed. He begged to enter his protest against all that had been said in favour of abandoning these colonies. The Canadians themselves would scout such a proposal. Let a system of conciliation be extended to them, and all their discontents would vanish.

Mr. *Warburton* agreed with what had fallen from the hon. member for Callington, and contended that his arguments had received no answer from the Secretary for the Colonies. He considered the proposed grant a prelude to the expenditure of 2,800,000*l.* in the Canadas, and should oppose it. The real way to protect and conciliate our colonies, was not by introducing church establishments and foreign discipline amongst them, but by consulting the wishes and feelings of the people.

Lord *Howick* said, that the hon. member for Callington had most truly stated, that all our foreign colonies would in the lapse of time, become independent of the mother country. That such an event must happen there was no denying; and consequently this country ought in time to prepare for the separation, not by fortifying the Canadas, but by preparing them to become independent. With this view, instead of hurrying the present vote through the House, let ministers come down next session with a statement of such reasonable expenditure as would be required for the furtherance of a measure which sooner or later must take place.

Mr. *Huskisson* said, that although the hon member for Preston had more than once referred to him, he had refrained from rising, because he wished, before he decided upon the present vote, to hear it defended by some competent authority. He was happy to say, he had found the authority he sought in the speech of the Colonial Secretary, whose explanation had perfectly convinced him of the necessity for this vote. He could not agree that the United States were not ambitious of possessing new territories; and of all the British settlements, he felt assured that the Canadas formed the first object of their ambition. He believed that the ambition which prompted America, in 1812, was ready to be called into action, on the first occasion. The House should recollect, that but for the defenceless state of the Canadas in 1812, that aggression which cost this country so much of its best blood and treasure, would never have taken place. Were we not wise, therefore, to provide against a similar aggression, by adopting those precautions which sound policy dictated? When the enormous expense incurred in conveying arms and military stores from one part of Canada to another was considered; it was surely a measure of sound policy to adopt that plan, by which not only those expenses would be lessened, but the country fortified against invasion. The question was this—shall England provide against future aggression in the Canadas, by rendering them capable of defence, or shall we give them up at once, with the loss of national character and honour, and overlooking those sacred duties which, as a parent country, we owed to a tried and faithful people. If we determined, as it became our station in the rank of nations to do, to defend the Canadas, we ought, in the first place, to consider whether that defence should be undertaken with every fair prospect of success, or whether we should, by a niggard vote at present, not only render that success doubtful, but increase the expense which it would cost us at least tenfold? The whole question amounted to this. Were we, if a struggle should again occur, to run the risk of losing the Canadas for ever, or would we at a much less expense secure them? The hon. member for Callington had spoken of the certainty of losing the Canadas, and in fact all our foreign possessions, in the course of time, and in the natural order of events. Without endeavouring to combat a doctrine which was undoubtedly founded on the history of past ages, he might observe, that the question at present appeared to be, not whether the Canadas should be ours in a hundred years, but whether they should continue in our possession, or become part and parcel of that immense and overgrown republic, whose ambition was as unquestionable as the means to accomplish it were formidable. He for one would say distinctly, "retain our possessions at any cost." Indeed, so deeply was he convinced of the necessity of pursuing this course, that, looking to the immense advantages which we were either to gain or to lose for ever, according as we pursued a wise or evil policy, if he could be positive that the amount of the present vote was to be expended with the positive certainty that if in fifty years to come—not to speak of a hundred—the Canadas were to be free and independent, he yet would not hesitate as to the course he should pursue, but would as heartily give his vote under such circumstances as he was prepared to give it now; and for this reason—that if the Canadas in time were to throw off the control of the parent country, their independence ought to be achieved by the growth of national honour, opulence, and population; above all, let their independence be effected rather by the course of natural events, than by any premature and unnatural separation. If they were to become independent by the growth of their own resources, let us learn this lesson of practical wisdom—not to encounter a ruinous war in endeavouring to regain them. If the time for separation should at last arrive, let it be like the severing of the members of the same family, who, long united by the ties of blood and affection, found it at last necessary to part, but with the kindest wishes for each other's welfare. Let it be a separation, which, instead of alienating would strengthen the foundation of those feelings of mutual good will which arise from the considerations of family and blood. Apart, therefore, from all consideration of the duty which interest, or commercial advantages, or power, or the consideration of patronage, he would say, let the Canadas be ours as long as we are in a situation to retain them, and as long as their loyal people shall claim our protection; and if, in the course of time,—as who shall say that our connexion shall be eternal?—a separation shall take place, let the country to which we were once united, and from which we parted with regret, be one to which, in our mutual necessity, we may look forward to each other for support and assistance. Entertaining those views, he should certainly support the present vote. He hoped that the grounds of irritation, which existed in Canada, would soon be satisfactorily explained away. He thought that the Canadians had some cause of complaint, particularly with reference to the allotment of the lands, which too much resembled a draught-board. He thought that after forty years' possession, those millions of acres should be better allotted, and more advantageously cultivated. He felt assured, that any irritation which might exist in Canada was but temporary; and that no wish existed there to shake off the control of England. He trusted that when those works were completed, the peace and security of the Canadas would be placed upon a lasting foundation.

Mr. *Hume* said, that the hon. member for Callington had not urged this country to abandon Canada, but had recommended that we should place that country in such a situation, that if Canada separated herself from England, she should become a free state, and not be annexed to the United States. The hon. member then went into a statement, to shew that the proposed fortifications were ill-chosen for the purposes of defence. He thought the motion ought to be postponed till next Session, and that the ministers should then declare, what was the policy they intended to pursue towards Canada.

Mr. Secretary *Peel* said, that the hon. gentleman had argued the question, as if the House had only the choice of two alternatives, either to vote this sum for the defence of the Canadas, or to abandon them altogether. It was clear, that if the hon. gentleman was not prepared to abandon the Canadas, his whole argument was conclusive in favour of the vote. The hon. gentleman himself said, "Don't disregard the Americans: they are not inattentive to military science: they are training up their youth to arms, and they have an extended frontier for some thousands of miles adjoining these colonies." If that was true, was it not wise, in time of peace, to make preparation for an effectual defence? The hon. gentleman himself must admit, unless he was prepared to recommend the abandoning of the Canadas—that the most economical mode was, to assist the physical strength of the population, by some system of fortification.—But, he would ask, could this country abandon its Colonies? This was not a question to be decided by considerations purely of a general nature. He must say, that while he admired the eloquence and feeling of the hon. member for St. Michael's, he was convinced, that the hon. gentleman's sentiments were perfectly consistent with the soundest policy. His advice was:—"Redress the grievances of the Colonies: attend to their just complaints: if there be defects in the Act of 1791, apply a remedy. But, as they have faithfully stood by you in the hour of danger, do not abandon them now." Though considerations of feeling were not alone to determine this question, they were not to be disregarded. He begged the House to consider what would be the effect produced on the other Colonies, if this country were to abandon the Canadas. If they saw the mighty power of this country shrinking into narrow dimensions, and exerted only for selfish purposes, what conclusion must they form? He had often seen with regret a disposition shewn to under-rate the value of our possessions abroad. He should be sorry to see this country, on any course of abstract reasoning or political philosophy, make the experiment of trying the effect the loss of the Colonies would have on the strength of the empire. Besides, in what way would they make the experiment? The hon. member for Callington had never openly proposed to abandon them altogether;—but he had talked of sounding their feelings as to a separation. To any such course he could not consent. If they were prepared to abandon the Colonies, let them notify their resolution; but he would be ashamed that parliament should say to the Colonies, "Do you exercise your discretion as to this question? Do you give your voice, whether, having been united for better and for worse, you should not agree to the divorce we now propose?" It would be infinitely better for this country to make up its mind, than thus to destroy the affectionate union with our colonies. But he did not see on what principle we could abandon the Colonies. We had rescued them from the country to which they originally belonged, and they had been faithful to us. There were dissensions, it was true; but they were, perhaps, inseparable from the connection with the mother country, and from the constitution of all free countries; but in loyalty they had been absolutely incorruptible.—Was it, then, for the honour of Great Britain to signify to her Colonies, that she was about to abandon them as a burdensome connection? Was she to tell them that, on account of the danger of their being attacked, their defence would be too onerous for her, and that therefore she purposed to dissolve the union? But, how were the sentiments of the Colonies to be ascertained? One hon. member suggested, that we should summon all the leading persons of the provinces, and leave the question to their decision. But if there was any one distinct province now able to form an independent government, he much doubted whether it would be strong enough to maintain itself against the American United States. Again, was the proposition to be submitted to all the provinces, or was it to be confined to the Canadas? Were they to propose that the Canadas should become separate and independent States. What chance was there, that they would remain so, with a powerful neighbour like the United States by their side? As to New Brunswick and Nova Scotia, they had shewn no symptoms of desertion. Why were they to be abandoned? Was the proposition to be made to Newfoundland? Were we to abandon to the North Americans the possession of the fisheries on the coast of Newfoundland, and give to the United States the advantages we now derive from that source? He was ready to concede, that the time might come when this proposition might be carried into execution. But at present, were the population and natural strength of these colonies such as would enable them, in case of a war, to resist the aggressions of the United States? If ever they did form an independent government, God grant the dissolution of the connection might be an amicable one! But he contended that, looking forward to the time when they might amicably separate from us, it was by no means certain, that this money to provide them with adequate means of defence would be ill expended.

The Committee then divided.—For the Amendment 51; Against it 126: Majority 75.

HOUSE OF COMMONS.

Tuesday, July 8.

SUPERANNUATION ALLOWANCES BILL.] The House having resolved itself into a Committee, to which the Superannuation Allowances acts were referred,

The *Chancellor of the Exchequer* said, he should have felt more gratified if he had not been called upon to bring forward the present motion, until every member could have had a copy of the Report of the Finance Committee on which it was founded. The House would learn from that Report the reasons which had led the Committee unanimously to recommend the measure with which he should conclude. The Bill would relate solely to civil superannuations, and to the retiring pensions of foreign ministers. In the course of the inquiries of the Finance Committee, they could not fail to be struck with the large proportion of the expense of the inefficient part of the public service to that of the effective part. The whole expense of the effective part of the public service was twenty-one millions; while the ineffective part, or, to speak more accurately, the remuneration for past services, imposed on the country an annual charge of five millions and a half. It was perfectly true, that this was an inefficient part of the public service, though the House should not treat it altogether as a useless burden. It was the necessary consequence of the long war in which we had been engaged, and might therefore be said to be a record of our glory. At the same time, considering the financial circumstances of the country, every body would concur, that the House could not do an act, however painful it might be, more necessary than to inquire what reductions could be effected in the public expenditure. The charge for superannuations in the Civil Service amounted to 500,000*l.* It was not merely the amount that was worthy of observation, but the rapid mode in which it had accumulated. It appeared by the Returns, that six years ago this charge was 340,000*l.* a year, while at the present period, it was little short of 500,000*l.*—Though this increase was, in some degree, owing to the reduction of offices, in pursuance of the economical plans of government; yet the amount of the superannuation charge called for the serious consideration of the House. The right hon. gentleman then referred to the measures taken by parliament and government in 1821, the result of which was, that an act was passed in 1822, compelling persons in the civil service to make a certain contribution out of their salaries, to lay the basis of a Superannuation Fund.—Two years afterwards, in consequence of the numerous complaints of the hardships sustained by this reduction of the salaries, and of the general improvement of the circumstances of the country, that House was pleased to press on government the repeal of this act, which accordingly took place. The Finance Committee, with these facts before them, had only the choice of recommending either a reduction of the salaries to such a degree as should be barely sufficient to remunerate the labour performed, or to adopt the principle of the act of 1822; and, allowing the salaries to be somewhat larger than was necessary for the mere execution of the duty, to compel the party to provide himself for his superannuation. In adopting the latter part of the alternative, he thought the Finance Committee had acted wisely. It would be more beneficial both to the public and the individuals. The other part of the bill related to the retiring pensions of Foreign Ministers. By an act passed in 1810, it was provided, that no individual should be entitled to a pension as a Foreign Minister until ten years after the date of his first appointment, and after having actually served two years.—The present amount of these pensions was 60,000*l.* It was therefore deemed fit to impose some further restrictions to prevent its increase. The Committee recommended, that the total amount of these pensions should be reduced to 40,000*l.*, and that that sum should not be exceeded. This recommendation would be embodied in the bill; which would further provide, that no individual should be entitled to a pension, until fifteen years after the date of his first appointment, and that nobody should receive a pension of 2,000*l.* unless he had served two years as an Ambassador. The right hon. gentleman concluded by moving for leave to bring in a bill "to amend the several Acts relating to Public Salaries, Pensions, and Allowances."

Mr. *Hume* said, that the right hon. gentleman had fairly stated the sentiments of the Finance Committee, which in this instance had been unanimous. He confessed he was sorry to find that government had departed from the prudent arrangement which it had come to, after a minute investigation of the subject, some years ago. He complained of the system by which he found clerks in different departments, whose duties were almost the same, rewarded by a different scale of remuneration. He thought that the heads of the departments ought to settle these irregularities of salary. All the departments had exceeded the scale at which individuals paid their clerks; but, in our large establishments, we could only perform a task of reduction in these matters by degrees; and therefore it was that he concurred in the resolution of the Finance Committee, though they had not made a reduction equal to that which he had anticipated.

Sir *H. Hardinge* contended, that the Commander-in-Chief had done all in his power to keep down the dead-weight of the army; that was to say, the half-pay. As a proof of it he would state, that since 1820, one-fifth of that dead-weight had been absorbed. With respect to the clerks of the public offices, he thought that they could not be fairly compared with the clerks in banking-houses, or merchants' counting-houses. The latter had the power of making their fortune by successful efforts, while the former could never rise above his salary.

Mr. *Monck* thought that public clerks were well enough paid. As to the advantages which had been described as belonging to private clerks, it was well known that these advantages rarely occurred.

Mr. *W. Smith* said, it was well known, that the clerks in public offices regarded themselves in a superior situation; and that they would be very unwilling to change places with private clerks.

Mr. Secretary *Peel* said, that when hon. members looked at the situation which the clerks in these public offices held, he was sure they would agree with him that the spirit of a gentleman ought to pervade those who held them. They should feel that they had a character to lose. He was sure that the clerks themselves were animated by that feeling, and that it was owing to the prevalence of that feeling, that the subordinate stations in the public offices in this country were filled by a class of individuals in whom could be placed higher confidence than in the employes of the same grade in other countries. It was evident that a great degree of confidence must be placed in these clerks. A clerk in the foreign offices, for instance, must often be in possession of the most important secrets. He ought, then, to have a salary sufficient to maintain him in his rank as a gentleman; especially as he was cut off from all other profitable employment.—What he had said was not inconsistent with the support which he intended to give this bill.

Leave was given to bring in the bill.

Corporate Funds Bill.] Mr. Spring Rice brought up the Report of this Bill

Mr. *Fyler* considered the bill an unjustifiable interference with vested rights. Corporations were meant to possess political influence, and that influence ought to be maintained by the legislature. Lord Ellenborough had said, that as the funds of corporations had been purchased by their members, or had been granted by the Crown without any definite restriction, he did not see why a corporate body had not as much right to appropriate its funds as it pleased, as any individual. The right had never been shewn to be abused. In the case of Northampton, the sum had not been appropriated to election purposes without legal authority; and the case of Leicester was involved in some secret history not before the House. He should move that the report be received that day three months.

Colonel *Sibthorpe* thought the bill an extremely harsh, ungenerous, and illiberal measure. It conveyed an imputation upon all corporations.

Mr. *Spring Rice* defended the bill, and contended that its only object was to prevent interference with the freedom of election.

Mr. *Ross* said, that the bill did not go on a general principle, but was intended for a particular purpose. He could not help thinking it very remarkable, that the former bill was brought in by the hon. member for Northampton, and the present bill by the hon. member for Leicester. In 1761, the Irish House of Commons decided, that the Corporation Funds of the city of Dublin ought to be applied to the repairing and making of roads: and instances were numerous of a similar application of Corporate Funds.

Mr. *Maberly* defended his hon. relative from the attack which had been made upon him by the hon. member opposite (Mr. Ross), and charged in turn that hon. gentleman with participating himself in the Corporate Funds of Northampton. He hurled back upon the hon. gentleman, with the strongest feelings of contempt, those insinuations in which he had indulged at the expense of his hon. relative.

Mr. *Ross* put it to the House whether such language was at all sanctioned by parliamentary usage.

Mr. *Maberly* owned he had been betrayed too far by his feelings, and retracted the expression.

Mr. *D. Gilbert* thought it would be a great improvement if corporate bodies were obliged, at stated periods, to publish their accounts. But, at the same time, he thought it would be wrong if the King's-bench, or any other court, should be suffered to control the funds of corporate bodies. He supported the bill, on the ground that corporations were trustees, and that, to employ Corporate Funds for election purposes, was a misapplication of the money committed to their hands.

Mr. *G. Bankes* was adverse to the principle and to the details of the bill, more especially to the clause subjecting any member of a corporation, who proposed a grant of money for election purposes, to a fine of 100*l.* and expulsion. Supposing the whole body, or some of the members, of a corporation to be accused of offences which had no foundation in truth, would it not be a great hardship if, collectively or individually, they could not defend themselves, by means of their Corporate Fund?

Mr. *Hudson Gurney* said, it seemed to him that the hon. member who spoke last but one, had put the question on its true grounds. He thought that no funds could find their way to corporations, but as the public property, and as such they ought to be protected. He was friendly to corporations, thinking them, as he did, the best system of government for large places; but unwatched and unchecked, they would be sorry trustees of public property. He would support the public, though he could have wished to have seen it in a more perfect shape. He trusted that the House of Lords would make such improvements in it as it required.

Mr. *Trant* could not consent to the establishing of a new law on this subject, unless it went a great deal further, and declared it illegal not only for corporations, but for all combinations to supply money to procure the return of members. Was the hon. member for Limerick prepared to say, that the Catholic rent ought not to be applied to electioneering purposes? He conceived that corporations had just as much right to assist candidates in becoming members of parliament, as any other persons.

The House divided: For the Amendment 11: Against it 30: Majority 19.

HOUSE OF COMMONS.

Thursday, July 10.

MILITARY AND NAVAL PENSIONS—DEAD WEIGHT.] The House resolved itself into a committee on the Military and Naval Pensions Act.

The *Chancellor of the Exchequer* said, he rose to propose a resolution for the repeal of what was called the Dead Weight Act. The measure which he now proposed to repeal, had been under discussion before the Finance Committee, and the result was, that, in the opinion of that committee, the arrangement under that act should not be continued. In 1821, the great pressure on the finances of the country made the government anxious to find out any means to relieve it. It was accordingly proposed to obtain this relief, by creating an annuity which should spread the charge over a space of forty-five years. He did not wish to enter into any discussion of that arrangement; but the result of the Finance Committee's inquiries were, to recommend the repeal of the measure as being too complicated, and as introducing confusion into the accounts. He should now move, that leave be given to bring in a bill to Repeal the said act.

Mr. *Hume* was glad that this mischievous act was to be repealed. If suffered to continue, the public would be losers to the extent of four millions by it. As it was, it had occasioned the loss of one million to the public; notwithstanding which the individual who introduced the measure had been since rewarded with a pension and a peerage.

Mr. *Maberly* said, that a more injurious measure than this act had never passed that House. It was a downright fraud; and had entailed a heavy expense upon the country. Not one of the members of the Finance Committee had defended it.

Mr. *Leycester* said, that a worse measure than that which was about to be repealed, it had never entered into the head of man to propose.

The resolution was agreed to.

SAVINGS BANKS BILL.] The report being brought up,

Mr. *F. Lewis* said, that the danger which might result from the sudden withdrawal of the money invested by the Savings Banks, in time of war or of panic, must be apparent. He should therefore propose this clause,—"that whenever the sum borrowed from the Savings Banks amounted to 20,000,000*l.*, the commissioners for the reduction of the national debt should not be permitted to receive any more." If this were agreed to, it would also be necessary to release the Savings Banks from the obligation under which they were now bound, and therefore he should propose "that when the sum amounted to 20,000,000*l.* the commissioners should give notice that the stock was full;" and that after that, the trustees of the Savings Banks might invest the money in any security which might appear advisable.

Mr. *Hudson Gurney* said, the danger mentioned by the right hon. gentleman seemed to him very great; seeing that all those who had money in Savings Banks would probably demand it in gold, if they drew it out under the influence of a panic.

The *Chancellor of the Exchequer* said, he had no great objection to the proposal of his right hon. friend, though he saw no necessity for it. He did not think that any danger was to be apprehended from the withdrawal of this money; because the depositors were so numerous, that it would require the concurrence of half a million of people before much harm could be done. It would be easy to alter the bill, if it should be found to be dangerous.

Mr. *F. Lewis* said, he would withdraw the clauses, and leave to ministers the responsibility of guarding the country against the danger which he anticipated.

Corporate Funds Bill.] Mr. *Otway Cave* moved the third reading of this bill.

Colonel *Wilson* opposed the measure, because he was convinced, if it were passed, that no man's freehold would be safe. He should move "That the bill be read a third time this day three months."

Lord *Lowther* seconded the amendment. He would contend, that all corporations had a right to use their own property in any way that to them seemed good, provided such property were not specifically destined to the support of charitable foundations; and in this he was backed by the opinions of three chancellors. He could see no more impropriety in a corporation expending part of its funds to return a townsman, who was acquainted with the interests of a borough, to parliament, than there was in the voting of swords and snuff-boxes to gallant officers by the city of London.

Mr. *Capel* described the tyrannical conduct of the mayor of Queenborough, who had ruined the poor fishermen of that place, because they would not vote as he pleased; and contended, that, with such a case of the misappropriation of Corporate Funds before them, they were bound to adopt the present measure.

Mr. *Hudson Gurney* said, he should not follow the hon. gentleman who immediately preceded him into any discussion of the merits or demerits of the right worshipful the mayor of Queensborough; but should directly address himself to the arguments of the noble lord (Lowther)—backed, as the noble lord asserted himself to be, by the opinions of three Chancellors; but which very remarkable opinions he could not but think must, of necessity, wherever given, have been, in the public journals, somewhat misrepresented.

The argument of the noble lord was, that all Corporations had a right to use their own property in any manner which to them seemed good, provided such property were not specifically destined to the support of charitable foundations. Now, as to the funds of charitable foundations, there was no question any where; but the noble lord's fallacy rested on confounding the select body, to whom, as trustees for the community, the management of the common property was deputed, with the incorporated body to which that property belonged.

This, in the preceding debate, had been placed on its true foundation, by the hon. member for Bodmin (Mr. Davies Gilbert), in the distinction which he had drawn between civil and eleemosynary corporations. It was not a question of the latter; but the question now to be met was, whether it should be tolerated, that the ruling body, in civil incorporations, should be considered to be entitled to divert their funds from the purposes of the incorporated community, whose concerns they were deputed to manage, to purposes of their own—possibly in direct opposition to the will of the real proprietors, and against which malversation, by the notable declaration of the three Chancellors, as stated and appealed to by the noble lord, it should seem that there existed no present means of redress.

Now let us look to the origin of the property of the Corporations of all the cities and boroughs of England. It can have been derived from only four sources. First, purchase: in which case it must have been bought with the accumulations of public money, for public purposes. Secondly, bequest; which must have been without exception, for purposes of the community; for who ever left by will a property to be divided as a bonus amongst aldermen and common-councilmen? Thirdly, grants from the Crown; which have invariably been made for the purposes of the incorporated community. Fourthly and lastly, the ancient town-lands, held by a prescription, anterior to the charters of incorporation, and of which those charters could not possibly transfer the right of possession.

All these properties are necessarily, and have hitherto always been understood to be belonging to the community, and only applicable to common purposes. Petty jobbing there has always been, and always must be; and a certain degree of looseness and favoritism, in the management of these Funds. The noble lord had instanced some of the proceedings of the corporation of London. He would give up to the noble lord the vote of money to the Greeks; which was a mis-appropriation so great, as a Subscription to Insurgents in arms against a power in alliance with the government of the country, that he did not know whether it might not have involved the forfeiture of their charter; but, in the main, the City of London appropriated their Funds nobly; and any thing of charity, any thing of magnificence, any thing for the credit of a great city and its citizens, he should be the last to complain of, and the last to endeavour to prevent. Indeed, it was to preserve the means of meeting these very purposes, that he wished some law to be passed to prevent those sweeping spoliations, which, in the miserable party conflict of the day, would, if suffered, dilapidate the revenues of every city in England.

Until the cases of Northampton and Leicester had occurred, no corporation had ever dreamt that they possessed the power to divert their funds avowedly to election purposes. None had dared openly to do it. Even the men of Northampton did it with fear and trembling, and retaining the hopes of the transaction being concealed. But this notable and inconceivable declaration of high law authorities will now, unless parliament interfere, be relied upon by others, with the same confidence with which it has been rested on by the noble lord.

Now, it should seem to be impossible, that two boroughs could exist where the right of property was more clearly in the commonalty and not in the select body, otherwise than merely as their trustees, than the two boroughs of Leicester and Northampton. Northampton received its first charter in the 31st of Henry 2nd., when the burgesses fined two hundred marks, to hold in capite of the Crown. They had charters of the 41st of king Henry the 3rd., and 27th of Edward the 1st.; the mayor's and bailiffs being annually elected in St. Giles's church-yard, by "all freemen." In the 4th of Henry 7th, on the allegation of riots in these elections, a new charter narrowed the election to the mayor and his brethren, late mayors, to choose forty-eight to elect the mayor and bailiffs. There is also another charter of confirmation of the 15th of Charles 2nd.; Northampton being one of the earliest parliamentary boroughs, the electors are, by prescription, the freemen and inhabitants.

The electors of Leicester are the freemen and inhabitants. Leicester was a borough under the Saxon earls, before the Norman Conquest. At the Conquest it had many burgesses, who paid thirty pounds to hold three hundred and twenty houses in capite. It received its privileges chiefly from the Bellemonts. Its charter of incorporation was from John, to the burgesses, originally a guild of merchants. The charter of Edward the 4th, in 1464, is to the mayor and burgesses. The inspeximus of Henry 7th, has the mayor, "comburgy and burgy." In the reign of Henry the 8th, it is the mayor and his brethren, twenty-four—and the forty-eight "elected of the comyns." By the charter of the 30th of Elizabeth, these persons were given the right to sue and be sued, to purchase and sell. And those of James the 1st in 1605 and 1610, under the privy seal, extended their powers of leasing. But, can any person in his senses conceive that this succession of charters, altering or narrowing the popular rights in the municipal elections of the boroughs of Northampton and Leicester, could divert the property of the original possessors, the burgesses, into an absolute and exclusive possession of a select and something like a self-elected body, which they might legitimately make over to a favoured candidate, at an election for members of parliament, to purchase votes withal?

That this is, and must be, clearly against the common law of the land—in spite of all the opinions that could be adduced of all the chancellors that ever existed, quoted correctly or misquoted—could scarcely admit of a doubt. But what he feared might be too truly deduced from the declaration of the noble lord's authorities was, that let the law be what it might be, whenever or however violated, it practically afforded no means of redress. As, if attacked at law for any malversation, how flagrant soever, the corporations would employ, in their own defence, the funds of the injured to the aggravation of the injury.

Mr. *Gurney* said, that the effect of this assumed power of recurring to corporate funds in contested elections, on the freedom of the representation, was with him a minor consideration; yet it could not but be obvious, that it opened a door to a profuseness of corruption hitherto unheard of. You could get at an individual, but who could succeed in a petition against bribery at second hand, organized by a body, with the funds of the public at their disposal?

He sincerely wished that the present bill had undergone more discussion in its earlier stages; as he was afraid the clauses, as they now stood, would be found to be obnoxious to legal objections. Still, as he thought, under existing circumstances, it was of imperious necessity, that the House should pass some measure of the nature during the present session, he should vote for the third reading, in the hope that the Lords might introduce any required emendation, instead of throwing the bill out, as they had done that of the hon. member for Northampton last year.

But, in thus voting, Mr. Gurney said, he by no means wished to be understood as thinking that this bill could be so altered as to meet every point which might be conceived to be desirable. He had more than once expressed himself in that House as being no enemy to corporations. On the contrary, he was convinced that they afforded the best possible form of municipal government for the condensed population of large cities; and he considered the want of estimation in public opinion, into which the corporations of this country had fallen, as a national misfortune; whilst any thing that should go towards bettering their composition, and towards restoring them to the respect in which they were formerly held, would, in his view, be a great national benefit. Many of them possessed large revenues; and the conservation of these revenues to purposes of public utility and to the maintenance of those institutions of which they were the patrons and guardians — indeed, he might say, to the maintenance of the corporations themselves—was an object of the extremest local importance. Possibly the publication of corporation accounts, and the election of auditors, by the body whose affairs they administered, might be the best check that could be devised. But as, of all misapplications of the public property, the using it for purposes of election in all large and populous places, — where there is always a never-ceasing strife between two parties — would be that to which there would be the greatest and most constantly recurring temptation, a bill confined as the present was, to this specific object, might, under the existing exigence, be that which it would be most beneficial immediately to pass. If no measure were taken, and if, in consequence, Corporations were to act as they were now encouraged to do—it was very clear that any questions concerning their funds would, in the lapse of a very short period, be perfectly nugatory; that all institutions committed to their superintendence would fall into decay; and, in all human probability, the extinction of the Corporations themselves might be expected very speedily to follow.

Mr. *Ross* would vote against the bill, which he conceived to be perfectly uncalled for.

Mr. *Batley* conceived that it was no part of the duty of corporate bodies to support the return of members of parliament. He should therefore support the bill.

The House divided: for the third reading 35; against it 10; majority 25. Colonel Sibthorpe again divided the House, on the question that the bill be now read a third time; for the motion 35; against it 4; majority 31; The bill was then read a third time, and passed.

HOUSE OF COMMONS.

Friday, July 11.

The Budget.] The House having resolved itself into a committee of Ways and Means,

The *Chancellor of the Exchequer* rose. He said that the period was at length arrived, when the supplies being closed, it became his duty to submit to the House a statement of the finances of the country for the current year. In so doing, he was not insensible to the difficulties of the task, at all times arduous, but particularly so in a first statement; neither did he overlook the peculiar disadvantages under which he laboured. The House could not forget, that the last financial statement was made by a right hon. gentleman, unfortunately now no more, to whose great talents and public services they had more than once borne ample testimony during the present session: they could not forget, that whatever subject that right hon. gentleman undertook, he was enabled to adorn in a manner not to be surpassed. He felt no humiliation in saying, that he could not hope to give to the subject before him the same interest; but he trusted that the House would indulge him, while he endeavoured simply, and he hoped clearly, to lay before them a view of the finances of the year; concealing nothing on the one hand, nor on the other putting any matter in a more favourable point of view than the circumstances of the case justified; trusting to the good sense of parliament to meet, on the one hand, the difficulties of a defective revenue, or, on the other, the still greater difficulty of repressing the disposition to liberality, which might be created by an excess of income. In discharging the duty thus imposed on him, he possessed one great advantage beyond some of his predecessors in office. It had been the pleasure of the House, in the early part of the session, to appoint a committee to inquire into the whole of the income and expenditure of the country. That committee had applied itself so assiduously to the discharge of its duty, that its reports, the result of much patient and laborious investigation, presented ample information on almost every branch of our revenue and expenditure. These reports afforded the means of remedying any deficiencies in his statement, and rendered it unnecessary that he should trespass at any length on the attention of the committee.

He would now proceed with that statement, accompanying it with such observations as some of the details called for. In doing this, he would first call the attention of the House to the state of the income and expenditure for the year past, and next to make the best calculation in his power of those of the current year. It had been usual, on former occasions, to refer back to the state of the income and revenue, for several antecedent years, and to take a review of the state of the finances in those years, and to draw conclusions from them, not merely with respect to those of the year with which the House had then to deal, but also as to the future. It was not his intention to adhere to that practice. The vicissitudes of this country, within the last four or five years, the fluctuations of the revenue, and the variations in several of its branches, rendered it the less necessary, if at all important to the present discussion. He would therefore confine himself to a review of the finances of the year 1827.

It appeared by the papers on the table of the House, that the total ordinary revenue of the year 1827, not the gross revenue but the ordinary nett revenue, after making those deductions which appeared in the papers already on the table, was 49,581,576*l.* There were besides this received from the Bank on account of the dead weight, 4,245,000*l.*, and to this was to be added, under the head of "extraordinary and miscellaneous," 660,081*l.*, making a total revenue of 54,486,657*l.* The expenditure of 1827, taking the interest of the debt and excluding the Sinking-fund, but including the interest of Exchequer-bills, was 28,239,848*l.* To this was to be added the sum paid to the trustees of the naval and military pensions, amounting to 2,800,000*l.* Other charges on the consolidated fund were 2,218,218*l.* making in the whole 33,258,066*l.* under the head of debt and permanent charges on the consolidated fund. The supply of 1827, including the charges of army, navy, ordnance and miscellaneous estimates, amount to 19,069,000*l.* There were certain other additions that year, which made, together with the debt and charges, the whole expenditure amount to 52,690,637*l.* If, therefore, he deducted from the whole income of 54,486,657*l.* the expenditure of 52,690,637*l.* there would remain a surplus of 1,796,020*l.* From this, however, was to be deducted the sums advanced for carrying on public works, after allowing for the sums repaid on account of those advances, of 663,793*l.*—leaving an actual surplus of 1,132,227*l.*

In the course of this account, he had taken the sums paid on account of naval and military pensions, as forming part of the income of the year on one side, and the repayment to the trustees on account of those pensions, as expenditure on the other: because those sums were taken as debits and credits in the estimates of the year; but he did not mean to conceal, that the difference between the sums advanced by the Bank on account of those pensions, and the money paid to the trustees, could not, properly speaking, be considered as income, but rather as a loan made in aid of the expenditure of the year, though long before the commencement of the year's account.

Such, then, was the state of the revenue and expenditure of the year 1827. He now came to state the probable amount of the income of the present year; and it afforded him sincere gratification to be able to say, that he anticipated a considerable increase to the revenue in this year, as compared with the last. That increase taking the most moderate calculation he would estimate at 800,000*l.* In order to explain the grounds of that expectation, it would be necessary to call the attention of the committee to the various branches of the revenue, and to point out why he considered himself justified in the expectation he had mentioned. The first branch to which he should advert was the Customs. With respect to this, the House was aware that the revenue which it produced in 1827 exceeded that of 1826 by about 600,000*l.*: but although there had been this large increase in 1827 as compared with the preceding year, he should not be justified in assuming that the Customs' revenue in the present year would continue equal to that of 1827. The House would recollect that, in that year, the necessities of the country had caused a large importation of corn, and that it came in under a heavy duty; so that the duty paid on that commodity alone amounted to 800,000*l.* He could not fairly calculate on any such importation in the course of the present year. The committee would see that on this principle, he was bound to deduct from the revenue of last year the sum of 800,000*l.* derived from the duty on corn; but that there were other branches on which we should be enabled to supply the loss sustained by the non-importation of corn this year. The branches on which he chiefly relied for supplying the deficiency of the corn importation were, those on which the Customs revenue was deficient last year—sugar, rum, brandy and wine. The Customs' duties on sugar fell off in the year 1827, as compared with the preceding, to the amount of 300,000*l.* The crop was greatly deficient in 1826. This occasioned an increase of price, and a corresponding decrease of the consumption, and defalcation in the revenue. This year the reverse might be expected. There was an improved crop, which would create an increased consumption, and of course revenue. The amount of that increase he calculated at 300,000*l.*; nor was this purely a matter of calculation; for on referring to the returns of the last six months, the duties received on sugar amounted to 100,000*l.* more than was received in the corresponding six months of the preceding year. It was not, therefore, too much to assume that the increase on the whole year would amount to the sum of 300,000*l.* The duty on rum had fallen off in 1827, as compared with 1826, 400,000*l.* This also admitted of satisfactory explanation. It would be remembered, that in the commencement of 1826 the heavy duties on that commodity had been removed, to a considerable extent. The consequence was, the consumption increased to an inordinate extent. So much indeed, that it could not be expected to continue. This was proved by the result; for, in 1827, there was a very considerable falling-off; but, in the present year, it was fair to calculate that the consumption would amount to the mean of the two preceding years, which would make the increase of revenue on that article this year, as compared with the last, 100,000*l.* With respect to brandy, there had been a falling-off in the Customs last year, for reasons which he was not competent to explain, nor was it necessary to his calculation; for it was known that the consumption of brandy bore a considerable proportion to that of rum. He, therefore, was justified in putting the increase on brandy at 50,000*l.* Wine stood in a different situation from any of the articles he had mentioned. There had not been any diminution of the consumption for some time. On the contrary, the increase was steady from year to year. In 1827 the Customs' duty on wine exceeded that of 1826, by 200,000*l.*; and the last six months exceeded the corresponding six months of the preceding year, by a very large proportion. He therefore calculated, that the increase on the whole year would be very considerable; and he put it down at 150,000*l.* The additions to the revenue on which he calculated would stand thus:—sugar 300,000*l.*, rum and brandy 150,000*l.*, wine 150,000*l.*, making in all 600,000*l.* This would still leave a deficiency in the Customs of 200,000*l.* as compared with the amount of last year. The expectations which he had formed of the increase of revenue were founded on a review of several articles on which duty was paid; and those expectations were strengthened and confirmed by the returns of the last half year. It appeared, that leaving out the corn duties, and taking other articles, there was an increase of Customs revenue on the last six months, as compared with the corresponding period of the preceding of 300,000*l.*, and it was fair to assume, that the consumption would continue for the rest of the year, and furnish the revenue on which he calculated.

The next great branch of revenue to which he would call the attention of the committee, was the Excise: and, looking at the returns before him, he felt justified in expecting that it would be more productive in the present than in the preceding year. In 1827, 700,000*l.* less had been paid into the Exchequer, on account of Excise duties, than in the preceding; but this was a deficiency which could not give alarm to those who were acquainted with the finances of the country; for it could be accounted for on one article—that of malt. There were circumstances last year which had greatly diminished the manufacture of malt, and in the same proportion decreased the duty; so that the falling-off on this one article alone amounted to 850,000*l.* This was to be accounted for by very obvious causes, amongst which he might mention the deficiency of the crop of barley, and the state of apprehension and alarm in which the persons engaged in that manufacture were placed, in consequence of the alterations in the law, which prevented them from pursuing their occupations at the particular periods when the greatest quantity of malt was usually manufactured. The alarm which had been felt was now, however, entirely dissipated, and he had every ground for anticipating a large augmentation of duty on that particular article. The duty on the article already received exceeded that of last year by somewhat more than 300,000*l.*; but he had even a more correct criterion by which to judge of the duty likely to be derived; namely, the large additional quantity of the article sent to charge, on which the duty had not at present been received. In the Excise duties of last year, there had been a deficiency, with respect to some important articles. In the duty on beer there was a deficiency of 170,000*l.* The returns showed, that upon this article there had been a considerably increased consumption, as compared with the last. To this quarter, therefore, he was entitled to look for an augmentation of revenue. Upon other articles, too tedious to mention, under this head, with the exception of two; namely, hops and auctions, there had been an increase of duty, as compared with the antecedent year. It should however, be remarked, that the decrease of the auction-duty was as positive a proof of the prosperity of every other branch of industry as could be found in the increase of duty on every other article. He estimated the increase under the head of Excise, in the present year, at about 750,000*l.* Deducting from this the deficiency in the Customs, he felt justified in taking the surplus on the two branches at 550,000*l.*

The next branch of revenue he came to was the duty on stamps; and here he had to congratulate the committee on a considerable increase. It was obvious that this duty, which depended so much on the value of every species of property, must necessarily improve and decline, in proportion as the value of property was raised or depressed. At the same time, he should be doing great injustice, to those who presided over the conduct of that department, if he did not, in a great degree, attribute the augmentation of that branch of the revenue to the able and active discharge of the duties of their office, which had raised the revenue above what, in ordinary circumstances, could reasonably be calculated on. He would calculate the increase on Stamp duties for the present year at 200,000*l*; being a sum rather short of that actually realized up to the present moment. In the assessed taxes also, the augmentation had been considerable. The increase under this head, in the last half year, had been no less than 81,000*l.* As the produce of these taxes was subject to great variation, he was content to calculate on no larger an increase than 50,000*l.* With respect to the Post-office, pensions-duty, hackney-coaches, small-branches surplus and poundage-fees, he would merely suppose that they would produce the same amount as in last year, and estimate them accordingly. The whole augmentation under the different heads which he had enumerated amounted to 800,000*l.* He begged to remind the committee, that in the two quarters already past, the augmentation on the articles he had mentioned in Great Britain alone, was 856,000*l.*, which exceeded the sum he ventured to calculate on, as the increase for the whole year. On the other hand, as the corn-duty was principally received in the latter part of the year, some deficiency might be expected in the subsequent quarters, which could be made good by the present surplus, He had hitherto spoken only of Great Britain. It now afforded him pleasure to call the attention of the House to Ireland, which presented a no less favourable picture than the other part of the kingdom. The revenue of Ireland had increased, during the period to which he had referred by the sum of 150,000*l.*; and he might fairly calculate that a further augmentation would take place. The result of what he had stated to the committee was, that the total ordinary revenue of the year 1828, might be considered as amounting to 50,381,530*l.*, to which was to be added the sum to be received from the trustees of naval and military pensions, 3,082,500*l.* and extraordinary and miscellaneous payments, 438,000*l.*; making a grand total of 53,902,030*l.*

He now came to the expenditure of the present year. It would be found that the interest of debt, exclusive of the Sinking-fund, but including the interest on Exchequer bills, amounted to 28,038,000*l.*; to this was to be added, 1,692,870*l.* for naval and military pension money and other charges on the consolidated fund, 2,213,606*l.*; making a total of 31,944,476*l.* The votes which the House had agreed to for the army, navy, ordnance, and miscellaneous services amounted to 18,028,046*l.*, which, added to 31,944,476*l.*, made a grand total of 50,104,522*l.* Deducting the total expenditure from the total income of 53,902,030*l.*, there remained a surplus of income over expenditure of 3,797,508*l.* From this he had to deduct the advances to public works 708,800*l.*; which left a clear surplus of 3,088,708*l.* When this surplus was compared with that of 1827, which was 1,132,227*l.*, it would be seen that there was a balance in favour of the present year of nearly 2,000,000*l.*

That being the surplus of revenue above expenditure, it would be obvious to every one, that if we were to provide according to the forms now prescribed for the annual payment of the Sinking-fund, the sum required for that purpose would be, in addition to the surplus, little short of 3,000,000*l.* If it were considered necessary to comply strictly with the existing law with respect to the Sinking-fund, there were but two courses which he could recommend the committee to adopt; namely, either to attempt to raise the sum required, together with surplus revenue for the Sinking-fund, by adding to the burthens of the people, or, as had been done on other similar occasions, to supply the deficiency by creating fresh debt, either funded or unfunded. With respect to the first course, he did not believe that in the present circumstances of the country, any one would profess himself the advocate of it. He did not apprehend that there was any necessity (arising from the natural desire of maintaining the public credit) imposed either on those who administered the finances, or on parliament, to adopt that mode of supplying the deficiency of the Sinking-fund. The deficiency in the Sinking-fund had not occurred now for the first time. It was a matter of which parliament had long been cognizant, and which it had long permitted to exist. He then took it as admitted, that it was not necessary to resort to a course for supplying the deficiency of the Sinking-fund, which in the present circumstances of the country was inconvenient, and indeed impracticable. The other course by which the deficiency might be supplied was, to recur to the practice of borrowing the money wanted. To that course he felt considerable objection. He had long felt, what he was sure must have been a general feeling, that to borrow money in time of peace to discharge debts which the country had already incurred, was a measure objectionable in principle, not defensible with reference to reason, and calculated to create delusion, without affording any substantial advantage. He stated this without any fear of being supposed to impugn the principle on which the Sinking-fund was first established. It was not established on the principle of borrowing money for its support. When Mr. Pitt introduced the measure he contemplated that the means of reducing the debt would arise entirely from surplus revenue. It was in order to secure that surplus that Mr. Pitt sacrificed much power, patronage, and popularity, by retrenching all unnecessary expenses to which the country at that time was, perhaps, somewhat attached. Mr. Pitt felt that the only sure mode of obtaining an alleviation of the burthen of debt was to keep up a Sinking-fund, formed of surplus revenue only. In refusing to lend his sanction to the borrowing of money for the purpose of maintaining the Sinking-fund, he thought he was adhering strictly to the principles laid down by Mr. Pitt, and to which, but for the occurrence of unfortunate circumstances he was convinced that statesman would have adhered. The long and extraordinary wars which occurred interfered with the whole of Mr. Pitt's projects, and compelled him to depart from the principle he had laid down, of maintaining a Sinking-fund solely by surplus of revenue. In the difficulty in which he was placed, Mr. Pitt had to choose between two alternatives—either to abandon the system of a Sinking-fund altogether, or to maintain it, by the assistance of borrowed funds, contrary to the principle on which he originally founded it. Mr. Pitt chose what he considered the lesser of the two evils, and abandoned the principle on which he originally established the Sinking-fund. He (the chancellor of the Exchequer), moreover, felt, in addition to the general objections against the borrowing of money to maintain the Sinking-fund, and which would be found stated in the report of the Finance Committee, that it would, at the present moment, be peculiarly objectionable to resort to the course heretofore adopted, of making up the deficiency by an issue of Exchequer-bills. He was not insensible of the advantage of that kind of security; he was not blind to the fact, that in consequence of the measure of last session for making up the deficiency of 1827, an increased profit had actually been derived from the sale of those securities in the market; but all arrangements of that sort must have an end. Exchequer-bills possessed certain advantages which he did not mean to undervalue, but they also created corresponding hazards. Though he did not anticipate any thing, in the present circumstances of the country, which would make the existing amount of those securities an object of apprehension, yet in the various changes of the world, who could tell what events might occur, which would render it necessary for the government to borrow money? and if that were the case, how could they effect it, except to great disadvantage, with a market encumbered to a greater degree than it was at present with Exchequer-bills? He therefore thought he was acting on a sound principle in proposing to the committee, even if they were prepared to approve of the principle of borrowing money to support the Sinking-fund—that they should not effect that object by any addition to the unfunded debt of the country. Instead of increasing the amount of that species of debt, it was rather the duty of those who administered the finances to seize every occasion that might occur for effecting its reduction. He would not go the length of saying that it would be advisable to hasten the absorption of those securities in the market by precipitate proceeding, which would prejudice the interests of the commercial community, but merely wished to state, that it was the duty of government and parliament, rather to diminish than augment the amount of those securities.

If then, it was impossible, in the present circumstances of the country, to supply the deficiency of the Sinking-fund by means of additional taxation, and if, on the other hand, it was considered inexpedient to add to the funded or unfunded debt, it appeared to him, as it appeared to the Committee of Finance, that we had no alternative open to us but to commence, from the present period, to reduce the nominal amount of the Sinking-fund to that of the real surplus of revenue. In stating this, however, he begged not to be understood as supposing that we could presume to abandon the principle, which he conceived to be essential to the maintenance of the character of the country, and the stability of public credit, of making constant efforts for the reduction of the national debt. Though he reduced nominally the amount of the Sinking-fund, he would still, in reality, have as much money to apply to that purpose as heretofore. The only difference would be, that instead of redeeming an apparent larger sum by borrowing money and creating a fresh debt, we should in future redeem a certain sum annually without incurring any new debt. The amount of debt redeemed in the course of the last eleven years was 29,000,000*l.* If the House should acquiesce in his proposition, they would in future apply 3,000,000*l.* to the redemption of debt, which he believed to be equally for the advantage of public credit and the best interests of the country. It must be acknowledged, that the existing system of incurring debt with one hand and redeeming it with the other, was liable to the charge of delusion.

Having stated generally the amount of the income and expenditure, and the manner in which he proposed to apply the surplus revenue, it only remained for him to call the attention of the House to the state of the supplies, and ways and means for the present year. In the present year, the sum voted for the army was 8,049,938*l.* He had already explained, that that sum was less than the vote taken for the same purpose in the preceding year by nearly 145,000*l.* The vote for the navy in the present year was 5,995,965*l.*, which was less than the vote of last year by 130,000*l.* The vote for the ordnance this year was 1,597,196*l.*, being a reduction of 50,000*l.* below that of last year, and the miscellaneous estimates this year were 2,184,961*l.* being 90,000*l.* less than those of last year. The total reduction on these several estimates amounted to nearly 418,000*l.* Add to that the vote of credit given last year, but now no longer necessary, and the reduction on the estimates would be about 1,000,000*l.* The whole of the charge for the public service of the present year was 18,628,060*l.* To meet this charge, he proposed applying the surplus ways and means of the last year, amounting to 352,000*l.*; the payment from the East India Company 60,000*l.*: repayments on Exchequer-bills issued for public works 120,000*l.*; annual duties on sugar 3,000,000*l.*; the trustees of the naval and military pensions (which payment would not again occur) 2,134,630*l.*; surplus of the consolidated fund for the present year, 10,190,000*l.*; ways and means of 1827 to be applied to 1828, 3,012,650*l.* making a total of 18,869,280*l.* to meet an expenditure of 18,628,060*l.*

Having now stated these particulars to the committee, he was not aware that he had any thing further to address to them. He had purposely forborne from indulging in any anticipations, as to what the resources of the country might produce.—He could not, however, content himself without expressing the satisfaction he felt at the general appearance of the country. If he looked at the state of our trade, he found in the increase of exports during the present year, as compared with those of any of the five antecedent years, matter to excite astonishment at the exertions of the manufacturing interests. If he looked to our shipping interest, he perceived an augmentation of tonnage corresponding with the increase in the amouut of articles exported. He saw, from the smiles of some hon. members, that they considered this a controverted point. It had been so he knew; but the papers before the House established the fact, that there had been an augmentation of tonnage corresponding with the increase of exports. The Excise revenue presented a most gratifying picture possible of the increased prosperity and comfort of the people. An augmentation was apparent on every article which the lower classes consumed. On the article of candles there was an augmentation of four per cent.; on paper of twenty per cent.; on printed goods of forty-two per cent.; on spirits of nine per cent.; in short, on all exciseable articles which formed the great branches of consumption of the lower orders, the augmentation of duty had varied from four to twenty-four per cent. He beheld this improvement not only in this, which was considered the favoured part of the United Kingdom, but he also found it prevailing equally in the sister kingdom. From the extension of manufactures, the increased exports, the improvement in the comforts of the lower classes, which was indicated as truly by the augmentation of the Excise, as the prosperity of the rich was by that of the assessed taxes, warranted him in anticipating an increase of revenue, and additional happiness and stability to the empire. He concluded with moving.—"That, towards making good the supply granted to his majesty, there be issued and applied the sum of 3,012,650*l.*, out of the Ways and Means in the Exchequer, or to be raised, on the 5th Jan. 1828, for the service of the year 1827."

Mr. *Maberley* said, that the right hon. gentleman had dealt with the whole subject fully and fairly. The amount of surplus upon which the right hon. gentleman had calculated in 1828, was at the outside 2,000,000*l.* If we went on with an appropriation of 4,000,000*l.*, it must be by borrowing 2,000,000*l.* He was ready to coincide with the right hon. gentleman, as to his estimate of the surplus this year. He did not think his statement exaggerated. The right hon. gentleman now proposed to do away with the dead-weight, a bill to that effect having been introduced; and parliament would have to deal with the Sinking fund with reference to that alteration. The report of the Finance Committee, in alluding to the question of the 2,000,000*l.*, which were to cease next year by act of parliament, stated that in its opinion, "there was no clear surplus revenue to such an amount." —It advised that a sinking fund of 2,000,000*l.* should be kept up; if it could be done without an imposition of new taxes; and that it would be desirable to increase it to 3,000,000*l.*; but that it would be unadvisable to do so, unless the additional million could be made up by regulations and modifications of the revenue, or by a reduction of the expenditure. The report went on to say, that if there were not 2,000,000*l.* of surplus revenue to form the basis of this arrangement, the deficiency was to be obtained by borrowing. Such was the opinion on which the right hon. gentleman had founded his measure. The right hon. gentleman had argued, rather too confidently, that the principle of the sinking fund had been kept up, which was not the fact. For, even in Mr. Pitt's time, as soon as his project of a sinking fund was acceded to, those annuities created by it, which were at first limited to forty-five years, were made perpetual. The late lord Castlereagh started on a new principle, and after he had taken the sum of 5,000,000*l.* as that which would be requisite to be raised for the sinking fund, he proceeded to load the country with the additional charge on account of the dead-weight. This delusion went on from year to year until at last Mr. Canning candidly admitted that which he (Mr. M.) and his friends had so long maintained to be the fact. The delusion, he was glad to hear, was not to continue. From 1792 the original principle of the Sinking fund had been violated. There could be no question that the public had sustained great loss on the debt; although there were differences of opinion as to the extent of that loss. It was well worth their while to examine, even now, how the Sinking fund had operated. It appeared that, between 1792 and 1828, the amount of annuities sold was 36,429,000*l.*, and of annuities redeemed 14,439,000*l.* The first was sold at 60*l.* 13*s.* 9*d.*, but redeemed at 66*l.* 8*s.* 6*d.* for every annuity. The loss must therefore be immense. Dr. Hamilton had estimated it at 20,000,000*l.*; but he should estimate it at 27,344,096*l.* But this was not the only consequence resulting from this system of mismanagement; for, in consequence of the delusive representations then made, we had gone on, since the year 1816, expending 3,000,000*l.* a year more than we ought. Taking 3,000,000*l.* a year at 40,000,000*l.*, and the loss upon the annuities at 25,000,000*l.* 65,000,000*l.* had been lost. Was it to be wondered at, under these circumstances, that our income was not sufficient to meet our expenditure? Placed in this situation, what had they recently done?—They had voted the first portion of a grant of three millions for the Canadas, and a sum of 400,000*l.* for surveys in Ireland. Another dangerous course pursued was, the allowing so large an amount of funded debt to remain hanging over their heads, redeemable at a moment's notice. The amount deposited in the different savings banks might not, perhaps, be so likely to create inconvenience, but the unfunded debt, in the shape of Exchequer-bills was most dangerous. In the affairs of the dead-weight, there had been an issue of paper to meet the occasion to the amount of 8,000,000*l.*, over which they had no control. Yet it had been recommended to bring these Exchequer-bills, which occasioned this issue, into the market for sale; and had it been followed up, who would undertake for the consequences? That it would come, no one could doubt: and a period of distress would be that in which it was almost certain it would occur. The Bank would then be compelled to disgorge either the Exchequer-bills or the dead-weight. Mark the consequences: the Bank would, of course, extinguish Bank-notes to the same amount, and thus the circulation would be diminished. He was quite sure that the present chancellor of the Exchequer would act with caution and prudence; and the more so when he saw that he had yet a long time to prepare against the danger. The financial system hitherto pursued had brought this country to such a pass, that it was not in a situation to avail itself of a time of peace to recruit its exhausted resources. Ministers had gone on increasing their difficulties year after year, notwithstanding the warnings which had been held out to them from his side of the House; but now that a more straight-forward chancellor of the Exchequer was appointed, it was found that he, (Mr. M.) and those who acted with him, were right, and their measures were about to be adopted; but not until the country had sustained enormous losses by their rejection. If the country had a surplus revenue, there would arise a question, as to how it might be most beneficially applied. Some were of opinion that it would be best to apply it altogether to a reduction of the public debt; while others —and he was one of them—thought it would be most advisable to apply a portion, say one half, of such surplus, to the reduction of the debt, and the other half to an annual reduction of taxation.

Mr. *Leycester* was delighted to find that that glorious piece of nonsense, the Sinking fund was about to be extinguished. The evil of our system was, that we had too much capital and too little income. The Sinking-fund operated like a sumptuary law, crippling trade and limiting commercial speculation.

Mr. *Hume* said, he was happy to address the House that evening on this subject under an altered state of things. How often, within the last five years, had they heard within those walls the sentiments which had now come from the mouth of the chancellor of the Exchequer reprobated and denied, when issuing from his (Mr. H.'s) lips? The right hon. gentleman had admitted, that the established system was erroneous, and the Finance Committee had censured it as too bad to be continued any longer. He should not now go into an examination of Mr. Pitt's system of finance. He contended, that no government could benefit by trafficking in its own securities. There had been no budget presented for many years, without his making this statement. But how had it been met by government? By nothing but a mere denial. He had flattered himself, that in the Finance Committee the Treasury would allow it to be ascertained, how far his allegation of loss to the public was correct. He had made up an account of the surplus revenue which we had had since 1816; thinking that that account would lead to the simplest mode of ascertaining the loss which we had sustained. He had laid that account before the committee, and had called upon the government, if it were incorrect, to point out where the incorrectness lay. He would now state to the House what had been the loss by the Sinking-fund since the year 1816, from which year we had had a surplus revenue. From 1816 to 1828, there was a surplus revenue of 35,000,000*l.*—What he now complained of was, that more than 29,000,000*l.* of this sum was not accounted for. He had laid this statement before the Finance Committee, but the committee had refused to inquire into it. Indeed, the Finance Committee had refused to make any statement upon that subject. We had borrowed one hundred and six millions since 1816, to keep up the Sinking-fund; though we had no occasion to have borrowed a farthing, having a surplus revenue of 35,000,000*l.*, which if it had been applied to the reduction of the debt, would have made the annual charge less by more than one million.—In 1824 and 1825 the government had made an issue of 8,000,000*l.* of Exchequer bills. For every Exchequer bill of 100*l.* which they issued, they received 100*l.* cash. The government paid over that cash to the Commissioners of the Sinking-fund. The commissioners applied it to purchase three per cent stock; and they purchased a stock which produced a permanent charge of 3*l.* 5*s.* 6*d.* for every 100*l.* The committee must now take it into consideration, that when the government was called upon to fund these Exchequer bills, it gave 107*l.* 4 per cent stock for every 100*l.* it had borrowed. It thus lost 18*s.* 10*d.* on every 100*l.* in perpetuity. He had made a statement respecting the transactions between the government and the Bank, which it was the business of the Finance Committee to have verified. In the labour of compiling that statement he had been assisted by Mr. Marshall, who had disinterestedly unravelled all the complex accounts between the government and the Bank, without expecting from him either fee or reward. He showed that in the last seven years we had suffered a loss of 13,000,000*l.*, in consequence of the practice of the government borrowing from the Bank. In 1822, Mr. Vansittart, in concert with the late lord Londonderry, brought forward a plan, by which he proposed to borrow 13,000,000*l.* of the Bank, to keep up the delusion of a Sinking-fund, without the imposition of fresh taxes. He sold a variable annuity of forty-five years to the Bank, for which they paid him in round numbers 13,000,000*l.*, by sixteen instalments.—They gave him 73*l.* cash for every 100*l.* stock, and the money thus raised was expended in the following manner:—In 1823, the commissioners laid it out in purchasing stock at 85*l.* 10*s.*; sustaining a loss of twelve per cent. In 1824, they laid it own in purchasing stock at 94*l.* 3*s.* 6*d.*; sustaining a loss of twenty-one per cent. In 1825, they purchased at 90½, incurring a loss of seventeen per cent. In 1826, they purchased at 79*l.* 8*s.*, incurring a loss of six per cent. In 1827, they purchased at 84*l.* 12*s.*, incurring a loss of nearly twelve per cent. And in 1828, they had purchased at an average of 85 per cent. In this way the public money had been invested, and great loss sustained. The chairman of the Finance Committee had commissioned Mr. Finlayson to ascertain the amount of that loss, and he was happy to say that his statement differed from Mr. Finlayson's only by 10,000*l*. Mr. Finlayson made it amount to 4,275,740*l*. This was the way in which the finances of the country were wasted, and an endless debt incurred.—He contended, at considerable length, that every financial operation of the government since 1816 had injured the country to the enormous extent of a permanent charge of 1,300,000*l*. a year. He was therefore delighted at the prospect of a change in our proceedings. He had been told, that there were still on the Stock Exchange, some intelligent men, who thought that this humbug scheme of a Sinking-fund was productive of good.—He was sure that the abolition of it would show them the folly of such notions. One word as to the debt. The right hon. gentleman had stated, in strong terms, the danger arising from a permanent unfunded debt; but he had not stated what he would do with the present unfunded debt, after the first of January next. He contended that, on the fifth of this month, the government could not have paid the dividends on the debt, had it not been for a loan of 8,343,000*l*. from the Bank. Now, suppose the exchanges had gone against the country, and the Bank had felt it necessary to limit its issue of paper, the Bank must have said to the government, "We will not increase our circulation, for the exchanges are already against us, and by making this loan to you, we shall only turn them still more to our disadvantage." What must have been the result? Either the government would not have paid the dividends, or it would have got the money to pay them on condition of giving a guarantee that it would protect the Bank against all consequences by procuring a new Restriction act. Was that a state of things in which the country ought to remain? He insisted that more harm had arisen from the connection between the government and the Bank than from any other cause. The whole of the bonuses which had been made at different intervals to the proprietors of Bank Stock, had been made at the expense of the public. How was the government situated at present, with respect to the Bank? The Bank now held 3,000,000*l*. of Exchequer bills, which it had received as security from the government—it held 6,000,000*l*. of Exchequer bills, which it had purchased on its private speculation—it had to pay 11,000,000*l*. for the dead-weight—and it now held 8,000,000*l*. of Deficiency bills; so that the Bank had got 28,000,000*l*. of capital locked up in the hands of government. Capital, did he say? The Bank had no capital, but what was in the hands of government.—With 28,000,000*l*. thus locked up, we might suddenly be stopped short in the midst of our operations, by a defect in our machinery. He thought that the chancellor of the Exchequer ought to give a pledge to the House, that he would set the capital of the Bank at liberty for banking purposes. He contended, that much of our present distress arose from the ruinous connexion between the Bank and the government. Many persons were weak enough to think, that that connexion was productive of benefit to the Bank directors; but he considered it to be so baneful, that he had no hesitation in saying, that parliament ought immediately to pass an act, preventing the government from receiving from the Bank of England any loan beyond a certain amount. Such a regulation would render it necessary for the government to call parliament together, whenever it wanted to take a vote upon credit. He wished to see the words "Sinking-fund" abrogated from the language of the House. By such means we should get rid of an evil which pressed heavily upon the country. There might be a surplus of 3,000,000*l*. as a fund to which government might apply in seasons of emergency; but he doubted the propriety of the recommendation of the committee, that such a surplus should be applied to the reduction of the debt. He then pointed out, at much length, the delusion under which Mr. Canning laboured, when he stated, that there was a surplus last year; and pledged himself, on a future occasion, to show that Mr. Robinson had been equally erroneous in the statements which he had propounded in bringing forward his various budgets.

Mr. *Monck* contended, that every reduction of debt ought to be accompanied by a suitable reduction of taxation. It was quite plain that by paying at the rate of eighty-eight and ninety, a debt, the greater portion of which had been contracted at the rate of sixty-two, a deal of money was wasted. There was only one way by which the present ruinous system could be avoided; and that was by determining in future to make moderate loans, so that the borrower would not be at the mercy of the lender.

Mr. *Ward* said,he was desirous to express his opinion with regard to one point; namely, the promise invariably held out to the holders of funded property relative to the maintenance of the Sinking-fund. He would recur to the words of lord Liverpool, relative to this fund, and would then leave the House to judge, whether the fundholder should be left without the protection of the Sinking-fund, when the landed interest had obtained a Corn-bill. The words of lord Liverpool were—"So much profit will accrue from the remission of taxes—but, at what loss? No less than the abandonment of the Sinking-fund, which I maintain is the great support of public credit, whatever may be its amount." In a subsequent paragraph his lordship stated: "The next object to which government has directed its attention, is the maintenance of a Sinking-fund of five millions; and it is my sincere hope and belief, that we shall have a surplus revenue sufficient to accomplish that desirable object." He did not read these extracts with a view to embarrass government: but he felt it his duty to ask, on behalf of the fundholder, that the House should declare what he was to expect.

Mr. *Herries*, after defending the late Mr. Canning from the charge brought against him by the hon. member for Aberdeen, of inaccuracy, in the budget which he had introduced last year, observed, that the hon. member had alluded to the Dead Weight act. Now, he would distinctly say, that the members of government, who belonged to the Finance Committee, had gone as far as any others to put an end to that system. With respect to the Sinking-fund, no one could have been more anxious than he was, to arrive at the true principle of that fund divested of all the intricacy which had been interwoven with the subject. When the subject came before the Finance Committee, opinions were divided on the subject, and he believed he might venture to state that the proposition for the abolition of the present Sinking-fund proceeded from one of the members of his majesty's government. At the same time, while he expressed these sentiments, he was anxious to discountenance the proposition that had been advanced on the other side of the House; namely, that they should abandon all idea of reducing the debt. The government would undoubtedly appropriate 5,000,000*l.* annually to the reduction of the debt, if it were possible to do so, without increasing the burthens of the country; but seeing that that was not possible, they had diminished the amount; at the same time that their opinions were decidedly favourable to the application of as large a sum, as the circumstances of the country would permit, to the reduction of the debt, on the principle of the Sinking-fund. He dissented from the proposition of the hon. member for London, that this country was pledged to any special amount of a Sinking-fund, or indeed to any Sinking-fund at all, with one single exception. There was one particular stock, in reference to which a distinct compact had been made, that one per cent per annum should be appropriated to its reduction; he meant the 3½ per cents.: but that exception, only proved the rule for which he was contending; and, with that exception, he felt that the public creditor had no other claim upon the government than any other subjects of the realm, and that he possessed no distinct interests from theirs, in what the state did with the public revenue. Their real interest consisted in seeing that parliament did that which was most conducive to the public credit. Now, he did not think it conducive to the public credit, that we should continue to borrow money for the purpose of paying off our debt. It might so happen, that some benefit would accrue to the public by borrowing in one kind of funded securities, and paying in another: but, upon principle, the old system of the Sinking-fund was objectionable. Its continuance was attended with great expense. It might for some time, produce a rise in the price of stocks; but in the end, the public creditor would experience considerable inconvenience from the re-action necessarily consequent upon such a system. —The right hon. gentleman proceeded to defend the views which induced Mr. Pitt originally to institute the Sinking-fund, in 1792. That great statesman did not, at the time, contemplate that the war in which this country was then engaged would continue for more than four or five years; and, if it had terminated within that period, the country would have had an ample surplus revenue to redeem the debt.—The hon. member for Aberdeen had made an attack upon the Finance Committee, and he was inclined to leave their defence in the hands of their chairman.—After observing, at some length, on the confined manner in which the hon. member for Aberdeen's motions for accounts were drawn up, the right hon. gentleman said, he would address a a few words to the committee, on the subject of the unfunded debt. From what had been stated on the other side, it would seem as if his right hon. friend had been understood to say, that from this time the surplus at the rate of three millions was to be exclusively appropriated to the extinction of the unfunded debt. Now, whether or no this was the view that had been taken of his right hon. friend's statement, he would say that it was an incorrect one: for his right hon. friend had clearly stated that it was to be applied to the extinction of the unfunded as well as the funded debt. He repeated, that if circumstances allowed the reduction of the debt through the means of the Sinking-fund, it would be more expedient at the present moment to effect that reduction through the means of the funded than the unfunded debt. He would indeed say, that this was not the period for effecting any reduction through the means of the unfunded debt. Looking at the present state of the circulation of the country, and at the arguments which had been very lately adduced upon the subject of the danger to which the country was subjected from the withdrawal of the one-pound notes of country bankers; and looking, moreover, at the feverish restlessness which resulted from those arguments—a restlessness and feverishness which ought to have been completely dispelled by the statements of his right hon. friend—but which, he was sorry to say, still prevailed among a certain class of the people—he thought it would be very wrong to adopt any measure respecting the unfunded debt, which could produce an effect upon the circulation. The hon. gentleman had made some allusions to the terminable annuities; and undoubtedly it was true, that a Sinking-fund was as indispensably necessary for that, as for any other portion of the debt. The subject had been brought under the consideration of the Finance Committee; and the committee had recommended that whenever the Sinking-fund arising from a surplus of revenue was to be fairly applied to the reduction of the debt, a portion of that fund was to be at the same time applied to the purchase of these terminable annuities. He doubted very much, however, whether that recommendation could be profitably carried into execution. At no period of time were these terminable annuities a very marketable commodity. For the last thirty years government had made various attempts to dispose of these annuities; but they had uniformly failed to get rid of them, unless upon the most disadvantageous terms. The committee had, however, recommended the purchase of these annuities; and, as far as fair and equitable bargains can be made in the market, the government were disposed to comply with the recommendation. He admitted that the chancellor of the Exchequer had throughout his statement, considered the life annuities as forming a portion of the Sinking-fund; but that in reality those annuities subjected the country as much to a charge as any other portion of the debt, and that, supposing there was no real surplus of income over expenditure, they must be considered as forming a real deficiency. When, therefore, his right hon. friend called the surplus 3,800,000*l.* it undoubtedly included a sum of 617,000*l.* on the head of life annuities; and, deducting that amount, the whole real surplus would, therefore, appear to be about 3,200,000*l.* He denied, however, the charge of there being any error in the accounts, from the adoption of this mode of statement.

Sir *Henry Parnell* said, he did not rise for the purpose of objecting to the statement of the chancellor of the Exchequer, on which he founded the ways and means of his budget: it appeared to him to be a perfectly fair statement, and that he might have even gone further in estimating the probable revenue for this year. The same fairness had marked the conduct of the right hon. gentleman, and the Master of the Mint, in the Finance Committee, and had very much contributed to save the time of the committee, and to advance the objects for which it had been appointed.—The first observations he had to make on the subject under debate, he should apply to the new plan of a Sinking-fund: he thought the chancellor of the Exchequer had not correctly or sufficiently explained this plan to the House, at least the plan recommended by the Committee of Finance. The right hon. gentleman had said he intended to keep up a Sinking-fund of 3,000,000*l.* a-year, without mentioning any of the conditions by which that amount might be diminished according to the plan of the committee. This way of stating the case would lead the House to suppose that there was to be a fixed Sinking-fund of 3,000,000*l.* a-year; and that the whole change to be made in the existing system was, to apply 3,000,000*l.* instead of 5,000,000*l.* as a Sinking-fund. But the committee had positively refused to recommend a fixed Sinking-fund. It was proposed to them to adopt such a fund, but on two divisions which took place upon it, the majority of the committee was against this plan of a fixed sum, and the members of it belonging to the government then adopted the views of the majority, and proposed themselves the clauses which are in the report for applying in future only the real surplus of revenue over expenditure as a fund for redeeming debt.—But, besides these clauses, there was an understanding come to in the committee, that government should proceed in the first instance, as if there was a real surplus of 3,000,000*l.*, and provide, if there was not so large a surplus, the money wanting by deficiency bills; and that, if at the end of the year it should appear that the surplus did not amount to 3,000,000*l.* the difference should be made good out of the surplus of the succeeding year.—As the right hon. gentleman, the Master of the Mint had been pleased to say, that all those members who opposed a Sinking-fund were to be considered as abandoning all efforts to redeem the debt, he begged to say that this was a very incorrect representation of their motives or opinions. Some of those members who had been the most strenuous in opposing the existing plan of applying 5,000,000*l.* a-year, were the most anxious to introduce an efficient plan of redemption.—No one was more constant in opposing the Sinking-fund of 5,000,000*l.* a-year, than the late Mr. Ricardo, but in his speeches and in his writings, he laid down in the strongest manner the expediency of reducing the debt, if a proper plan could be devised, and even proposed a plan for paying off the whole of it. He, as well as those members who say there ought not now to be any Sinking-fund, found their opinions upon considering the nature of the plan proposed to be acted upon, and the circumstances of the country with respect to its being able to bear the taxes which are required for maintaining it.—At this moment the reason for not agreeing to have a Sinking-fund is, that those taxes which must be continued to provide the fund, will do a great deal more harm than this Sinking-fund will do good. The error committed by government in urging a Sinking-fund, and by those members who supported them consists in their not paying due attention to the injury which the existing taxation does to the public interest.—This is little thought of, and a Sinking-fund is voted as a mere matter of course; as if it was of no consequence whether 3,000,000*l.* of taxes were continued or repealed. But if some attention were given to the effect of [the taxes, it could not be doubted that a different course of conduct would be followed by the House.—It appeared by an account which he had called for in the Committee of Finance, that there was no less a sum than 6,000,000*l.* a year, raised by taxes on raw materials. It was not possible more effectually to obstruct the progress of industry and wealth, than by thus taxing the raw articles on which industry was employed. In one respect it exposed the country to the greatest misfortunes that could befal it; namely, the loss of a foreign market for its manufactures; because as these taxes raised the price of raw materials, they added necessarily to the price of the goods made with them, and thus diminished the means of carrying on a successful competition in the foreign goods. Although we had as yet preserved a great superiority over foreign countries in manufactures, we should not place an unlimited confidence in our being able to maintain it. They were daily making great progress in skill, in improvements in machinery, and in acquiring capital; but what will most contribute to place them upon a level with us, is the general introduction of the representative system of government, which will establish among them a perfect security of property, and thus impart to them that which has been to us the main cause of our great superiority over them. Under these circumstances, it was a subject of the gravest importance to determine what means should be taken to relieve our manufacturers from every charge which added to the cost of production; and, when it is considered what the consequences would be to the country of losing the foreign market, in impoverishing our manufacturers, in depriving the workmen of employment, and in diminishing the revenue, it surely was fit to examine whether it would not be more expedient to repeal 3,000.000*l.* of taxes than apply them to a Sinking-fund.

Besides these taxes on raw materials, there were taxes on manufactures themselves, which were exceedingly injurious, such as the Excise duties on leather, glass, and paper. These manufactures were not only injured by the additional prices which these duties occasioned, and the consequent diminution in consumption, but also by the vexatious regulations under which they were carried on. The manufacturers were not allowed to follow those modes of working which were the best calculated to produce perfect goods, and, at the same time, with the least cost to themselves; but they were obliged to perform each operation by a plan laid down in a clause of an act of parliament, and under the inspection of an Excise officer. So that no taxation could be more opposed to any sound principle of finance, or more injurious to all parties than these Excise duties on manufactures.

Another class of taxes which ought to be reduced considerably, is that which creates smuggling; for this evil is a pure creation by act of parliament; the profit to be derived from it being wholly in proportion to the duties imposed. It has been proved before the Finance Committee that a sum of 700,000*l.* a-year is expended annually, in the vain attempt to suppress smuggling; and that an immense sum had been spent in building barracks for Coast-guards and the Preventive-service, round the whole of the coast of the United Kingdom: but when government are urged to put an end to this great nuisance and disgrace to the character of the nation, the excuse always is, "we cannot do so, because we shall lose a million or two of revenue:"—how can any one hesitate to say, that a much greater advantage would be gained to the public, by applying the surplus revenue to put down smuggling, than will be gained by applying it to pay off any insignificant portion of the public debt? Another class of taxes which ought to be repealed is that which by being so very high greatly diminishes the consumption of the articles on which the taxes are imposed. In this way there is probably a loss of revenue, by not reducing them. But ministers are of a different opinion—and when they are called on to make the experiment, they say, we cannot afford to risk the loss of a million of revenue. There are not less than from 9,000,000*l.* to 10,000,000*l.* of taxes which are most particularly injurious to industry, and even to revenue, and which ought to be revised, so as either to secure their repeal or modification. But, in addition to these taxes, there are others which are specially imposed in order to encourage our colonies. — The effect of the present arrangement of the duties of timber, is a loss of from 800,000*l.* to 1,000,000*l.* a-year of revenue.—The hon. member said, he held in his hand, calculations which had been made by a gentleman conversant with the trade, which left no doubt of this fact: the same calculations proved, that if the duties were equalized on colonial and foreign timber, and reduced 15*s.* a load, the consequence would be an augmentation of revenue.—In consequence of the mode by which the duty on deals was charged, 1*l.* 18*s.* only was paid, if they came from Archangel, and 3*l.* 0*s.* 3*d.* if they came from Norway—on the same quantity. The existing system acted as a most severe tax on the public by raising the price of timber; while it did not benefit the public revenue. Similar observations were applicable to the whole of the duties which were higher on foreign than on colonial goods.

Now when such was the system of our existing taxation, and it became a question, what had best be done with the surplus of the revenue, he had no hesitation in saying, that it ought to be applied in reducing those taxes which fell on industry. For, whatever hon. members may say in favour of a Sinking-fund, or any other scheme for improving our finance, what ought above all things to receive the constant attention of the House is, the means of securing and assisting the progressive accumulation of the national wealth. It was in proportion as this was extended that all our incumbrances were heavy or light. The pressure of the revenue and the pressure of the debt were only relative with respect to the means of the country to pay taxes. Every thing depends on the progress of industry, and the accumulation of new wealth; and nothing should be left undone to remove obstructions in the way of them. It was by the prodigious accumulation of wealth subsequent to 1792, that the country was able to surmount the difficulties of the last war: and, if it is left to go on without the interruption of bad taxes, and absurd resolutions, it will become sufficiently wealthy to bear any new financial difficulties which may arise—all that the right hon. gentleman has said against repealing taxes, and in favour of a Sinking-fund, amounted to mere assertion: he did not attempt to explain in what way a Sinking-fund would be of use; he contented himself with saying it was necessary for the safety of the country: others had said it was necessary to support public credit; and a great many similar assertions had been made in the Committee of Finance, which he was glad to find, were not repeated this evening in the House. Now, with respect to maintaining public credit, it was a complete mistake to say that public credit depended on having a Sinking-fund of 3,000,000*l.* a-year, it might be said, with just as much reason, to depend on any thing else. Public credit depended upon the regular payment of the dividends on the debt, and on the general notoriety of the country being perfectly well able to pay them. The hon. baronet said, his feeling, with regard to a Sinking-fund, was this—if they would place their taxes on a proper footing—if they would adopt a moderate system, which ought long since to have been done—if they would let the country feel the benefit of an ample revision of all the taxes at present levied—then, if there was a likelihood of a continued surplus, or if the country appeared to be growing more rich and prosperous, he would give his support to a plan for redeeming the debt on a much larger and more extensive scale than was now proposed. After such a reformation had been agreed to, and the country had recovered a healthy tone, he would not object to taxes to the amount of 5,000,000*l.* or 6,000,000*l.* a-year, or even of a still larger sum; a fund which would be calculated to make some impression on the debt. Therefore, whether he was in the committee, where he took an active part in order to get rid of the Sinking-fund, or in his place in that House, where he voted against it, he was not to be considered as abandoning and giving up every attempt to lessen the debt. On the contrary, he proposed a course which would have a much better effect than any attempt that had hitherto been made. His opinion was, that in the present state of the country, their object should be by all means to avoid adding to the debt. It seemed to him to be idle to talk about relieving future generations as to a Sinking-fund of 3,000,000*l.*, while those who proposed it had no plan by which additions to the debt might be avoided.—There was no member who was an advocate for a Sinking-fund, who was not an advocate at the same time for providing the expenditure of a future sum by new loans. But if we only paid off 3,000,000*l.* a-year in peace, and borrowed only 30,000,000*l.* a-year in war, it was too evident, from the experience we have had of the duration of peace in other times, that the result of this system must be a great addition to the debt.—Suppose a war was to take place, and according to this system, 30,000,000*l.* a-year was raised by loans—ten years of such a war would add about 15,000,000*l.* a-year, of permanent taxation.—It would require a permanent property tax of ten per cent to pay the incurred dividends on the debt—another ten years of war carried on in the same way, would require a further addition of 15,000,000*l.* of permanent taxation—this would make it imperative to tax the necessaries of life as was done in Holland, and it would no doubt be followed by the same consequence, namely bankruptcy.—This is what the system, of a Sinking-fund, raised by taxes on industry in peace, ~~and~~ large loans in war, would inevitably end in. In place of this system, he wished to see all obstructions arising from taxation on industry, and from regulation and restriction in way of industry and the accumulation of wealth, removed, and the country placed in such a state with respect to its means of paying taxes in future, that when a war should arrive, the whole expenditure of it might be defrayed by war taxes. Now, that we are said to be entering upon a new era of finance, we ought to do something more than merely patch up a budget, and then let every thing go on without any regard to consequences. We ought to begin to examine what course of measures is necessary, first for preparing for war, and then for carrying on a war.—It is while we are at peace, that this business ought to be attended to, for if we become involved in war without such a preparation, we may be sure that we shall run from one error into another, just in the same way as those ministers did who had the management of the last war. If there was too large an unfunded debt, it ought to be reduced; if the Bank were too much in advance to government, they ought to be repaid a part of what is due to them. If government have produced any danger by making the Bank holders of the Dead-weight annuities, they should interfere to remedy it.—These are all difficulties that will yield to proper efforts to get rid of them; but time ought not to be lost in making these efforts after thirteen years of peace—the probability of war is so strong that we ought to expect and prepare for it. Every thing in point of fact depends on good management: formerly great errors were committed, and the country was able to surmount them; but now we have made so great an approximation to the limits of taxation, that a single error may prove fatal.—We can no longer afford to lose our money by millions in the way the hon. member for Aberdeen has shown the public money has been lost.

With respect to the policy of having recourse to war taxes, for war expenditure, this was greatly illustrated by an account which he had obtained in the Finance Committee — showing what would have been the actual excess of expenditure beyond revenue in the last war — if Mr. Pitt had commenced with war taxes, and if no debt had been created subsequent to 1792. It appeared by this account that the whole excess would have been 172,000,000*l.*, although by the operation of borrowing, the actual excess had been nearly 500,000,000*l.* in principal money.

It now seems to be nearly certain, that if Mr. Pitt had imposed a property-tax in 1793, instead of waiting to raise war taxes till 1798, the war might have been carried on without any loans.—With this experience, and with a greatly increased means of paying taxes, there should be no hesitation in making the attempt of carrying on a future war wholly by war taxes. If this object could be secured, then we should no longer have any alarms about the debt. For the same reasons which would enable us to carry on a war in this way, would enable us to make in peace a proper effort to reduce the debt—a property tax of from ten to twelve per cent to include Ireland, and without the exemptions in the last tax, would alone produce nearly 20,000,000*l.*; at the same time that it would not be productive of any derangement of industry. If 20,000,000*l.* were not sufficient, then it would be better to have a property tax of fifteen per cent; sooner than have recourse to new loans. But whether these opinions were or were not well founded, every thing ought to be done that can be done, by means of an early consideration of the subject to avoid adding to the debt—as the revision of an existing system of taxes was a fundamental part of a system of measures for securing this object, he hoped that when the Committee of Finance re-assembled next session, such a revision would be the first subject of its deliberation. It was most impolitic to allow such a load of injurious taxes, to remain, without making every effort to obtain the same amount of revenue that they produced, guided by means more consistent with the interests of the revenue, and the conveniences, comforts and commercial profits of the public.

After a few words from Mr. P. Thompson, the resolutions were agreed to.

East Retford.] On the motion of Mr. N. Calvert, the further consideration of the report of the East Retford Disfranchisement Bill, was deferred to the 22nd instant, and the East Retford Freeman Bill, was ordered to be committed on that day three months.

HOUSE OF COMMONS.

Monday, July 14.

Superannuation Allowances Bill.] The Chancellor of the Exchequer having moved the second reading of this bill,

Mr. *Hudson Gurney* rose to present a petition, which had, he said, been put into his hands, signed by upwards of five hundred clerks, in the various public offices, which he begged, previously to the right hon. gentleman's motion, for the second reading of the bill, to recommend to the attention of the House. The allegations of the petitioners were; first, that the measure would be a breach of compact; secondly, that it went to charge on a smaller number now employed, the Superannuations of a greater number of persons, who had been discharged on the reduction of the scale of the establishments; thirdly, that the labour of the reduced establishments, so far from admitting a diminution of their salaries, was now so very great, as rather to give them an equitable claim for increasing them; fourthly, that the old practice of superannuation was confirmed by reports of this House, in 1786, in 1797, (Mr. Abbot's Report), in 1810, by Mr. Bankes's act, and by a supplementary act, which passed in 1811, when certain large funds, belonging to the clerks of the Customs and Excise, were taken by government, in consideration of the superannuations to which, by Mr. Bankes's act, they became entitled: that in 1822, the Superannuation act was imposed; but with a clause of restitution to representatives, in case of death, which was omitted in the present bill: that in the same year, a very great reduction took place, by Treasury minute; the effects of which these gentlemen humbly presume to think have not been sufficiently adverted to in this House; as it not only went to reduction of establishments, but to reduction of salary, and great reductions of prospective advantage.

Mr. Gurney said, he understood there was one office, where there was an establishment of a hundred and sixty clerks, of whom only seventy-six were now retained: and that seventy-six would, under this bill, be charged their proportion for the superannuation allowances of those who had been dismissed. Under these circumstances, he trusted the right hon. gentleman might be induced to postpone the measure to another session for further inquiry, as it must be quite evident, emanating as it did, from a report of the Finance Committee, only that day put into the hands of the members, that it could not by possibility have received the consideration which a measure, pressing so hard on so large and meritorious a class of public servants, unquestionably merited. Indeed, he could not but greatly regret, in as far as he had yet seen, that the reports of the Finance Committee had gone to the reduction of the fair and reasonable remuneration of those public officers who performed efficient and heavy labour; many of them already with inadequate salaries, instead of having, on a more enlarged view of the financial state of the country, proposed the origination of any measure which had been likely to give any effectual relief. He had been one who had voted in the majority on the question of the Lieutenant-general of the Ordnance, on the statement of those who might be considered best able to judge of the necessity of the continuance of the office; but he owned he had done it with doubt and regret, when he saw that the recommendation of the Finance Committee had been acceded to, in the unreasonable reduction of the salaries of those officers, who were more unequivocally efficient.

On the whole, he earnestly recommended to the House the case of those gentlemen whose petition he had the honour to present, as extremely worthy of the most weighed consideration, and he did trust the House, or rather the right hon. gentleman, on the part of his majesty's government—for with them it must be evident, the decision must rest—would consent to postpone the bringing in a bill of this nature till the next session, and the more so, as in that interval no great saving could be effected to the country.

Mr. Gurney said, that in moving that the petition be read, he should wish it to be read at length, and presumed to request the attention of gentlemen to the statement of the parties immediately interested, as that statement would be found much more clear as well as more forcible than any thing that he could offer in its support.

The *Chancellor of the Exchequer* having withdrawn the motion for the second reading of the bill, the said petition, and also one presented by sir H. Hardinge from the clerks in the Ordnance Department, and one presented by Mr. F. Buxton, from the Clerks in the Excise, were brought up. On the motion, that the bill be read a second time,

Colonel *Sibthorp* called the attention of the House to a respectable body of individuals connected with the Hackney-coach-office. Many of them had been upwards of twenty years in that office, and their interests would be materially affected by the operation of this bill.

Mr. *Trant* was of opinion, that the measure would inflict great hardship on many deserving individuals.

Mr. *H. Davis* expressed himself hostile to the measure. He thought the opinion of Mr. Burke a very just one; namely, that "parsimony was not economy, and that a good servant well paid was the most valuable and the cheapest." He regretted that the Finance Committee should at so late a period of the session have recommended a measure which, if carried, would be injurious to the character of parliament, seeing that the principle was founded in injustice. Every man entered office under an implied contract, that after the lapse of a certain number of years, he would be entitled to a superannuation allowance. Such was the existing law; but the present bill would operate as an *ex post facto* law, and deprive those who had been long labouring in the public service, of that provision which they had been taught to expect.

Sir *R. Wilson* said, that to the operation of the principle prospectively, he had no objection, but he felt a very strong repugnance to its retrospective effect.

The *Chancellor of the Exchequer* said, he was anxious to state to the House his opinions with reference to this question. He felt that he was placed in a very painful situation, but still he would not shrink from the performance of his duty. The House had appointed a committee for the purpose of revising the expenditure of the country; and that committee had almost unanimously declared, that such a measure as that which he had introduced ought to be carried into effect. Standing in the situation which he had the honour to fill, he should have been charged with a high degree of cowardice, if, after such a recommendation, he had refused to bring the measure before the House. On that account he was prepared to vindicate the bill, and to state the reasons on which the committee had come to their decision. The whole expenditure for the service of the country the committee found to amount to twenty-one millions, and of this five millions were appropriated to the ineffective service, including superannuation, pension, and retired allowances. The committee was anxious not to deprive the country of the active services of those who were engaged in the public departments, and they therefore turned their attention, to consider if it were possible, without any deviation from just principle, prospectively to diminish the expenditure for services that were passed. Of the five millions which the ineffective service of the country cost, the committee found that nearly half a million was appropriated to the payment of the civil pensions, and this sum had been increased within a few years from 330,000*l*. to 447,111*l*. Finding that this sum was increasing so rapidly, they thought it their duty to recommend the measure before the House. He knew that the committee had balanced long between a reduction of the salaries, and this measure of making the officers contribute to their own superannuation. He for one opposed the reduction of salaries; because they had been paid in the year 1821, after the effects of peace had been fully felt, and the measures for restoring the metallic currency had been adopted. It was better, on the whole, he thought, and the least likely to affect the future prospects of the different officers of our civil establishment, to adopt this measure relative to their superannuation, than to alter their salaries. He felt the measure to be particularly severe; and he particularly regretted the necessity to propose it. At the same time, he must state, that the committee were not aware of that peculiarity in the situation of the Clerks of the Ordnance, as it had been represented by their petition. The committee were not aware that they had been regulated in 1825, and stood therefore on a different footing from those clerks whose offices had been regulated in 1821. There might, perhaps, be other gentlemen in a similar situation; and if the House should think it better to go over all the departments, and ascertain that there were no others under the same circumstances, so that the measure could be strictly applied on the principles of the measure of 1821, he should not oppose the decision of the House.

Mr. *C. Grant* said, he disliked the bill on account of its retrospective operation, and was still more opposed to it, because it would bring into action a principle never heard of before; namely, that those who spent their lives in public offices should provide for the wants of their old age out of the salaries which were granted to them as a remuneration for their present labours. It had always been a principle, recognized by the House and by the country, that those who had served the public well should not be deserted by the public in old age, in sickness, or distress. This was a wise, a politic, and a generous principle; and he must say that he did not like the words of the report of this most respectable committee, when they called money applied in accordance to this principle, a loss to the public. Public servants paid a large and usurious interest for the money thus bestowed upon them. With respect to military services, this principle was instantly admitted, and the money was cheerfully applied. And why not with respect to civil services, where there was not only the absence of that fame, and splendor, and renown, which in themselves constituted recompense for military service, but where there was as much intense devotion to the public cause, and as great a sacrifice of health and strength,—nay, even of life, as in military service? To adduce a single instance, he would mention the late Mr. Hill, who might as truly be said to have fallen a victim, to have died in the service of the country, as if he had met his death from the cannon of the enemy. Had they not seen in that House the gradual decay of intense energies engaged in the service of the country—the keeping away, because ill health would not allow of the fatigues, the returning to the labour night after night, the warnings by disease against such continued exertions; and had they not seen those warnings neglected, until the duties could be no longer discharged? It was much too important a question to be decided at the end of a session. It concerned all the civil servants of the government—a valuable class of men, without whose assistance, that government could not be carried on. He rejoiced, therefore, that his right hon. friend was willing to postpone the measure till next session.

Sir *H. Parnell* said, that the chancellor of the Exchequer had stated accurately the course of reasoning followed by the Committee of Finance. They found that the charge for superannuation allowances had increased from 94,000*l.* a year in 1810, to 474,000*l.* a year in 1827, and that in the last three years the increase had been from 300,000*l.* a year to 474,000*l.* This was a progress of expense which seemed to the committee to be a fit subject of retrenchment. It appeared to the committee that all existing salaries were too high. They had been raised considerably some years ago in consequence of the depreciation of money, and now that money was restored to its former value it appeared to the committee that the public had a right to expect a reduction of them. There was no principle more true, nor one which had been more universally recognized by all Finance Committees, than that which laid it down, that the public ought to have its services performed at the least expense that was consistent with the performance of them in an efficient manner. Now, with respect to the salaries given in public offices, whether by making a comparison with what they formerly were, or with the salaries given in commercial establishments, it appeared to the committee that, according to this principle, they ought to be considerably reduced; but instead of recommending such a reduction, the committee took a course more favourable to the clerks, namely, that of proposing to reduce them by a small per centage in the way provided in the act of 1822. He was confident that the clerks had much better consent to this arrangement, than defeat it and thus make it necessary to examine more closely what ought to be the exact reduction which the public interests required to be made.—The argument of his right hon. friend (Mr. Grant) was wholly *ex parte*: he seemed to regard the clerks as the only body interested in the question: those who paid the taxes for providing the salaries were not taken into his consideration; but it was the duty of the House to watch over their interests—and to take care that no more money was taken from their pockets for salaries than was absolutely necessary. The argument founded on the merits and utility of the clerks would lead to adding to their salaries, if those circumstances alone were held in view. His right hon. friend could make out no case against the bill, unless he could shew that the present salaries were no more than sufficient to give a proper recompense for the services performed—but this he had omitted to do, and this, in point of fact, he could not do. While therefore his right hon. friend made himself believe he was taking a course founded on principle, he made the mistake of not selecting the right principle for governing his opinion.—If his principle was that of generosity towards a deserving class of men; a wholly moral principle, but the Committee of Finance were bound to govern their opinion by principles of Finance, and to take care that the public expenditure in salaries was no larger than the necessity of the case required. The committee were fully sensible how unpleasant and even odious a task it was, to diminish the incomes of individuals who lead a life of great labour, and who are justly deserving of great praise for the manner in which they discharge their duties: but when they compared the salaries of the clerks in the public offices with the incomes which other classes of public servants, and persons in commercial establishments receive for services equally important, and requiring full as much labour and trust, they could not suffer their feelings to induce them to neglect their duty, by allowing the present rates of salaries in the public offices to remain at their present amount. The committee had not permitted the salaries of those persons who fill higher offices to escape their vigilance, for in the only instance in which as yet they have had an opportunity of proposing reductions, they had done so, namely, in recommending the salaries of the principal officers of the Ordnance to be reduced from 1800*l.* a year to 1200*l.*

Sir *J. Mackintosh* said, there appeared to be two very different views of the question, one of which had been painted by his hon. friend who spoke last, on the side of saving; and the other by the right hon. gentleman opposite (Mr. C. Grant), on the side of justice; and certainly the term justice might be applied to a case in which no less than three thousand persons were so deeply interested, and whose comfort and respectability depended so much on the turn this measure might take. It was very necessary that this comfort and respectability should be kept up, for it added, in no small degree, to the public welfare; and it was a remarkable thing, that every foreigner who had inquired into the subject had borne testimony to the fact, that there was less divulging of the secrets of office among the public servants of England than in any other state in Europe; and it was equally true, that within the last century there had been much less of fraud and peculation among the officers of the public than in any other kingdom.

Mr. *Wilmot Horton* thought that, if there was an intention to do justice to the public clerks, it would be necessary to examine into particular cases; some of which stood on very different grounds from others; and this was one of the reasons why he thought it right for the House to pause before they came to any decision; but at the same time he would take upon himself to say, that a most disagreeable task had been imposed upon the Finance Committee, and it by no means followed that they had been wrong in their execution of it. As far as the measure was prospective, whatever the legislature should resolve upon, would, perhaps, be fair; but it should be remembered, that this bill was also retrogressive in its enactments; besides which it was founded on the bill of 1822, which had been repealed by parliament in 1824. According to his view the proposed measure was neither more nor less than a reduction of the clerks' salaries; and he certainly could not see any detriment to the public service, by the measure being postponed [hear, hear!].

Mr. *Robinson* likewise supported the postponement of the measure.

Mr. *Courtenay* thought that the Finance Committee had not had time to look into the merits of the subject. He had commenced life as a clerk in a public office, and in that situation he had had opportunities of seeing how business was done. He could not but say that, in some offices, there were some idle men. He considered, that the House ought not to fix the salaries at the *minimum* for which the labour could be done: if they did so, they could not expect to be either honestly or well served. They should in order to be well served, make the profession of the clerk respectable. He felt convinced that further inquiry was necessary.

The chancellor of the Exchequer then withdrew the bill.

HOUSE OF LORDS.

Tuesday, July 15

GAME BILL.] Lord *Wharncliffe*, before he moved the second reading of the Game-bill, wished to allude to the way in which the powers of that House had been curtailed by the other House of parliament. Their lordships, early in the session, had passed a bill on this subject, that went to the House of Commons. When it arrived there, that House discovered, that the bill levied a tax upon the subject. On that ground they thought fit to throw it out, and bring in another, which was the bill under their lordships' consideration. Now he must say that in their notion of what was levying a tax on the subject, the ideas of the House of Commons were somewhat strained, when they maintained that the House of Lords must not pass a bill containing a pecuniary penalty, or repeal a bill containing one. If that really was their claim, it was time that it should be understood; for if such were the case, their lordships were there merely to register the bills of the House of Commons. This, he contended, would be an encroachment on their lordships' privileges; and it was the opinion of many that this claim of the Commons ought not to be admitted, and that some understanding should be come to on the subject. He trusted, whatever decision their lordships might come to with respect to the bill, that this might be made the occasion of coming to a better understanding with the other House on this most important question. With respect to the bill itself, great pains had been taken to defeat it, and it was probable the attempt would be successful; but he would put it to those noble lords who were opposed to the bill, to consider what would be gained by that course, beyond that of additional labour to those who were favourable to it; for no doubt it was their intention to introduce the measure again and again, from a firm conviction of the necessity that something should be done by parliament on the subject. He was aware that the objection of many noble lords to the bill, arose from the opinion, that any extension of the right of sporting would destroy their sport altogether. This he thought was a very mistaken view of the case. He now moved that the bill be read a second time.

The Earl of *Westmorland* said, he was opposed to the principle of the bill, because he believed it would be most oppressive in its operation. It was an invasion of the rights of others, and would have a tendency to encourage poaching. It also tended to change the character of landowners to that of huxters and poulterers. On these grounds, he should move as an amendment, that it be read a second time that day six months.

The Earl of *Falmouth* said, that the bill was supported on the ground, that it would tend to diminish poaching. It would not, he contended, have that effect. The evidence taken before the committee did not justify the opinions of those who supported it. Most of the persons examined stated, that it was doubtful whether legalizing the sale of game would diminish poaching, and the case of Scotland was adduced, where the sale of game was permitted, and where it was proved that the number of poachers had recently increased. As an experiment, he would have no objection to the bill; neither would he object to an alteration of the laws with respect to qualification, some of which were absurd. But this bill went further than he was disposed to go. It allowed persons holding copyhold lands to qualify others; and whether such land was twenty-five acres or one hundred acres, it was the same thing to him, it was to the principle that he objected; which, instead of considering the value of the land, had reference only to the quantity of it.

The Marquis of *Salisbury* observed, that his noble friend had said, that he was ready to give his support to a bill which should legalize the sale of game. Now this bill went very little further. Besides, his noble friend had only been able to find one objectionable clause in the bill. He had therefore a right to calculate on the support of his noble friend in other parts of the bill. For the objectionable clause, his noble friend might urge his arguments against it when the bill was committed. He put it to their lordships, whether they would now act in contradiction to what they had themselves resolved upon, and sent down for the consent of another branch of the legislature.

The Earl of *Carnarvon*, while he supported the present bill, was ready to admit that he did not suppose it would put a stop to poaching altogether. He doubted whether any bill would have such an effect. What he wished to put a stop to was, that permitting the poacher to have an exclusive monopoly of the sale of game. All the poulterers had declared, that they could procure a sufficient supply of game to answer the present demand, or any demand which was likely to arise. This they could now only procure through those who were guilty of crimes against the law. If they passed the present bill, a supply could be procured through a legal channel; but what was of much greater importance, they would give a better character to the laws of the country.

Lord *Wharncliffe* said, that one of the objects of the bill, was to bring gentlemen into the market, in order to drive out the poacher. This experiment had never yet been made; and he was satisfied, that, if made, the result would be much better than the present state of things. With respect to the mode of qualification in the bill, he would only observe, that that qualification had been brought as near as possible to the law of Scotland. If their lordships threw out the bill, what would be the effect of such a course upon the country, after a committee had proved that, in spite of the laws, game was supplied to the public; that from the highest to the lowest, their tables were supplied with game by poaching? In all the great markets of the metropolis, game was sold; and, would their lordships say, that they would not make that legal, which, in spite of all their laws, would be done with impunity? Let their lordships ask themselves, if they had the power of stopping the sale of game, while the public demanded that it should be sold? They had no such power. Their lordships were learning a terrible lesson. They were learning that there were certain things that they could not stop; and the time was not far distant when they would be sorry that they had ever resisted such things. Here was one case brought home to their own doors. They were supporting laws which were set at nought and laughed at. But, let their lordships be assured, that the subject would force itself upon them every session. Even at that advanced state of the session, if he thought there were any chance of passing such a measure, he would try the effect of a bill which should legalize the sale of game; though he was firmly persuaded that such a bill, unaccompanied by other alterations in the game laws, would be infinitely inferior to this. Could it be endured that proprietors of extensive lands should be allowed to make a profit of the sale of their game, while the same privilege was denied to the small landholders? He left the matter in their lordships' hands; declaring at the same time, that he would renew the subject, session after session.

Their lordships divided upon the motion, "that the bill be now read a second time." Content — Present 37; Proxies 27 — 64. Not-Content — Present 36; Proxies 58 — 94. Majority against the second reading 30.

HOUSE OF COMMONS.

Tuesday, July 15.

South African Natives.] Mr. *Fowell Buxton* rose to move, that an Address be presented to His Majesty representing, "That this House has observed with great satisfaction, that the original Natives of South Africa have always been recognized by the British government as a free people, having a lawful abode in the Colony; and that the British government has promised to protect their persons, property, and possessions, the same as those of other free people:—That this House humbly solicits His Majesty to cause such instructions to be sent to the Colony of the Cape of Good Hope, as shall most effectually secure to all the Natives of South Africa, the same freedom and protection as are enjoyed by other free people of that Colony, whether English or Dutch:—That this House further humbly requests His Majesty to order Copies of Extracts of the Special Reports of the Commissioners at the Cape of Good Hope, relative to the condition of the Hottentots and Bushmen; together with the Papers given in to the Commissioners by Dr. Philip, and the Memorials addressed to the Colonial Office by the Directors of the London Missionary Society, to be laid before this House." He had intended to have entered into the details of the grievances to which the Hottentots were exposed, at the hands of their Christian neighbours; but he abstained from this course, as the Secretary of State for the Colonies, did not intend to oppose his motion. He should merely observe, that although the Hottentots were perfectly free by law, they were treated entirely as slaves. Lord Caledon, when governor of the Cape, had declared them to be, in every respect, a free people, and had directed that they should be so treated. Another governor, when applied to by the colonists to compel the Hottentots to forced services, had replied, that "they had no more right to compel the Hottentots to serve the settlers, than the Hottentots had to compel the settlers to serve them." Something ought to be done without delay, to remedy the treatment under which these people were suffering. He referred gentlemen who wished to be acquainted with the subject, to Dr. Philip's "Researches in Southern Africa;" a work which contained more information on the subject, than any book he had ever read.

Sir *G. Murray* said, he concurred generally in the views of the hon. member. He had nothing more at heart than to make all classes in the colonies sensible, that his majesty was desirous to extend to them protection equal to that enjoyed by his subjects in any other part of his dominions.—The motion was agreed to.

Prerogative Court of Canterbury —Conduct of Sir John Nicholl.] Mr. *Hume* said, he was compelled to postpone presenting a petition complaining of proceedings in the Prerogative Court of Canterbury, and of the conduct of sir John Nicholl, of which he had given notice. Having been absent from town, he had not had time to see that the allegations in the petition were confirmed by affidavits. It was, therefore, his intention to postpone his motion till to-morrow.

Sir *J. Nicholl* said, he was quite ready to meet any charge which might be preferred against him, and thought it rather hard that the hon. member should decline proceeding with his accusation that day, after having published a notice to that effect all over the kingdom. He could justify his conduct, he hoped, to the satisfaction of the House. Under the impression that the petition would have been that day presented, he had disposed of all the business of his court, and made arrangements to leave town with his family to-morrow. He should certainly expect the hon. gentleman to proceed according to his notice. He was ready to assume that the statements of the petition were confirmed by affidavit.

The *Attorney-General* said, that the hon. member should have ascertained whether there were grounds for the complaint before he had given notice of presenting such a petition.

Sir *J. Nicholl* said, the hon. member had given notice of a motion for that night, directed against him; and here he was in his place to meet the charge. But the hon. gentleman had postponed his motion, on the ground of his not being prepared with affidavits to substantiate his statements. He could not help thinking it hard that he and his family should be obliged to remain in town, in order to meet the convenience of the hon. gentleman. The hon. member ought to have satisfied himself, that the allegations contained in the petition were well founded, before he came forward to impugn the character of a gentleman who had filled a high judicial situation for twenty years, without the slightest imputation upon that character. Every one knew how painful such a charge was however triumphant might ultimately be the answer to it; for there were always to be found persons ready to believe that there existed some foundation for it. It was a grievous thing that there should exist in this country a lion's mouth, into which all sorts of vague accusations might be cast, and from which charges could proceed without the slightest foundation. If the hon. member did not bring forward his charge that night, he should not consider it necessary to remain in town, but should leave the matter in the hands of his hon. friends [cheers].

Mr. *Hume* said, he had read the petition, and believed the allegations which it contained; but, because he thought it necessary to require explanation, that was not a ground for accusing him with acting harshly towards the right hon. gentleman.

Dr. *Lushington* said, that if the hon. member had no other evidence respecting the transactions which formed the subject of the petition, than statements derived from the person who signed it, or from his solicitor, he was conversant with every part of the case which related to the right hon. judge, and he pledged his character to the fact, that there never had been a charge brought before the House, more totally destitute of truth. He should not do justice to the right hon. judge, in whose court he had practised for twenty years, if he did not avail himself of that opportunity, not only of bearing testimony to the assiduity, ability, and impartiality with which he had presided in that court, but also of stating that the petition in question came before the House under the name of an individual who was not its author. It came, in reality, from a pettifogging attorney, who had been guilty of perjury, and had attempted extortion.

Mr. Secretary *Peel* said, that nothing could be more unjust than the course which the hon. gentleman had pursued. This was another abuse of the privileges of the House. After giving notice of a charge against the right hon. gentleman, was it fair in the hon. member to say he had been out of town, and was unable to make himself master of the accusation? The character of the right hon. judge was a sufficient protection against vague and groundless accusations: but such might not be the case in every instance.

Dr. *Phillimore* said, it was an extreme grievance that a notice, like the one in question, should have been circulated all over the country. The right hon. judge had presided over his court for twenty years, and it was universally admitted, that in no court was justice more expeditiously or impartially administered. When this right hon. judge came down to meet a charge of which notice had been publicly given, the hon. member said he would put it off. If the hon. member did not bring it forward now, he was bound not to do so after the right hon. gentleman had left town.

Mr. *Hume* said, that if the right hon. gentleman thought it worth while to vindicate his character, he would remain in town twenty-four hours for that purpose. He would present the petition on Thursday, let the right hon. gentleman attend or not.

BRITISH MERCHANTS' CLAIMS ON SPAIN.] Sir *James Mackintosh* rose to call the attention of the House to a case of no ordinary importance, as affecting the interests of a variety of British Merchants trading to, resident in, or connected with, Spain. He was charged with presenting in behalf of those persons a petition, enumerating the harassing delays and disappointments they had experienced in their attempts to recover their property, or a compensation for its loss, under a convention concluded between his majesty's government and the king of Spain in the spring of 1823. He believed there was not on record a more manifest, obstinate, and inflexible, instance of denial of justice than this, on the part of the king of Spain towards British subjects. Their losses amounted to above 3,000,000*l.* sterling; and as the amount of wrong was by far the largest that had ever yet been brought before the House, so the character of the claim was the most simple, clear, and hard to be disputed, because it was founded on the letter of an express treaty. In dwelling thus on the hardship of their case, he was not disposed, any more than the petitioners, to throw blame upon our own government. Great credit had been acquired by Mr. Canning, for his efforts to secure a just indemnification for these individuals. From lord Dudley the claims of these individuals had received a due consideration; and they were disposed to expect similar attention from the present noble Secretary for Foreign Affairs. Their claims had no reference to the losses experienced by the unfortunate individuals who had engaged in the Spanish loans; though far be it from him to say one word which might tend to shake the validity of their claims. The case of the petitioners was shortly this:—In the long struggle of the Spanish people against French usurpation, about the period of 1808, many British individuals, then connected by commercial habits with Spain, as well as others not so, furnished the Spanish forces and authorities with stores, provisions, and various goods, for which they received vouchers, in some instances, to which the authorities themselves had not hesitated to affix their names. The claims, in some cases, were founded on acts of these authorities, by which British subjects were forced to contribute to the immediate exigencies of the times by forced loans or other illegal exactions. To these were added, losses at sea by British subjects, in consequence of their ships or property being detained on the high sea, and sometimes illegally confiscated and sold, by Spanish cruisers and ships of war. The claims of these persons were permitted to remain unadjusted from 1808 to 1823.—In the latter year, on the 12th of March, it was agreed between this government and that of Spain, by treaty, that these claims should be referred to a mixed commission of Spanish and English commissioners, who were "to decide on these claims in a summary way," in order to repay such British subjects as had suffered in consequence of the detention of their property under any of these circumstances. This commission met in October, 1823, and above three hundred claims were referred to it. In many instances several of these claims were combined in one; so that, in the whole, the number of claimants exceeded one thousand five hundred, and the amount of the claims between three and four millions sterling. Before these commissioners, every possible expedient had been resorted to, to delay the chances of indemnification. During eighteen months in which the commissioners sat, no more than eighteen claims were allowed out of three hundred and thirty; and only four claims out of these eighteen were determined to be just. Thus several persons whose property had been seized on the high seas, sixteen years before, contrary to the law of nations, were reduced to poverty. The secret, however, of these delays was soon after revealed. A suggestion was made by a person connected with the government of Spain, that the proceedings, under a commission of this nature, were always so excessively dilatory, that it would be advisable to make an offer to accept a given sum in liquidation of the whole demand. This sum was fixed at 800,000*l.*; and they were given to understand, that this would be the amount likely to be afforded by Spain, in discharge of claims amounting to upwards of 3,000,000*l.* Upon this suggestion the British merchants agreed to act; and they made a proposal which was copied from the plan of the Spanish agent himself, who had originated the suggestion. It produced, contrary to expectation, no good result; and the only object which the Spanish government, or their agents, appeared to have in contemplation was, to induce the claimants to make a proposition, in order that they might have it in their power to quote the sum so proposed, as an admission that, in point of fact, no more was due. The Spanish government, through its agents, then proposed to pay a sum of 500,000*l.*, thus abating the diminished claim of the petitioners, and acting in such a manner as, had an attorney in one of our courts of law so acted, would have subjected him to be struck off the rolls. Indeed, an offer of this nature between private parties, with a view to the adjustment of a disputed claim, could not have been adducible, for the purpose of reducing the amount of their claim, in a court of law. As an additional breach of faith, it must be observed, that the Spanish minister at London, in 1824, had told their agent, that such a reduction of their demand should be without prejudice to their claim. Yet, so far from this promise being kept, it was made, in the spring of 1826, a proof that such was the maximum of their demand. The next step was still more disgraceful. The Spanish agent professed to Mr. Cock, that his government was willing, as a proof of the honour which distinguished the Castilian character, to add to 500,000*l.* already offered, an additional 50,000*l.* Such was the mean and paltry higgling adopted on this occasion, that it almost amounted to a clear evasion of the claim, or an attempt to annihilate it altogether. For some time matters remained in this state of uncertainty, until the gentlemen intrusted to manage for the British claims were invited to Paris, where they had an interview with two Spanish authorities intimately connected with the court, one of them the keeper of the Great Book of Spain, where they received assurances, further corroborated by the letter of the duke of Villa-Hermosa, that the agreement they might then enter into would be final and conclusive; in consequence of which, in February, 1827, they agreed, by convention, to pay three million sterling in two months. Mr. Cock having received assurances that he might consider this matter finally settled, and that he had succeeded in his object, returned to this country.—In about two months afterwards the claimants were informed, that the Spanish agents had, in this instance, exceeded their authority, and that their convention, together with the letter of the Spanish ambassador in Paris, were of no avail.—He was afraid that nobody who had heard him was aware of the high genealogy of the duke of Villa Hermosa; for their information he would acquaint them, that this duke was a descendant of the Castilian peer of that name, at whose castle on the Ebro, Don Quixote had been entertained, as described by the immortal Cervantes. Surprising as it was, this nobleman, distinguished by his Castilian blood and high rank, still condescended to remain in the service of that monarch, who had not hesitated thus shamefully to violate the pledge given through him to the claimants. He could not envy him the feeling which had prompted him to continue in that service; still less the facility with which he had received from this royal dispenser of honours, the Order of the Golden Fleece of Spain, within one short month of that period, when he had thus dishonoured his representative, by retracting the execution of that which might be considered a common duty of honesty. In this train things continued till the arrival of the Count Ofalia in London. During twelve months afterwards, ineffectual offers were made to effect an arrangement; until the court of Madrid, through the count, raised the offer from the 550,000*l.* formerly made, to 700,000*l.*; adopting, in this instance, a system which would have disgraced a pedlar. These worthy personages had since raised the offer of indemnification to 900,000*l.*—After, therefore, the majority of the claimants had been actually in a starving condition in consequence of the injustice inflicted upon them, it would, perhaps, be wise to attempt to induce them to silence their indignation, and to accept this inadequate sum; but the danger was, that if they now abated their claims, after three years struggling to establish them, this, as in the former instance, would be taken as the *maximum* of their demand; and the agents thought it would be unsafe for their friends, and treacherous in themselves, thus to violate those rights and claims which the petitioners held under sanction of the law of nations. Under circumstances so mean, base, and ungenerous, he thought there could be no possible defence set up for the conduct of the court of Spain. The letter of the minister of the King of Spain, would, in his mind, have been legal evidence in a court, were the case between two private individuals. The justice of their case could not be doubted, and it had, to a certain extent, been admitted. The only hope he had was, that the House, on such an occasion, would be disposed to strengthen the hands of ministers by some manifestation of its opinion, of so formal and solemn a nature, that the artifices even of Spanish Diplomatists would be of no avail against the clearly-expressed opinion of the Commons of Great Britain. For that reason he should reserve to himself the right of proposing an Address to his Majesty; and he was the more disposed to do so, because he had heard that there were Spanish agents in some parts of Europe, and in this country, who declared, that they did not believe that this country was in a condition to risk a vigorous application in behalf of the claimants. He could not trust himself to comment on so flagrant an insinuation. He was sure the feelings of the House must be strongly excited by the bare possibility of the circumstance he had stated. But he did not desire to address himself to these feelings. He disclaimed any such intention; but he did say, that unless we gave some formal mark of our resolution to support ministers, we might seem to countenance these injurious and impudent assertions. He had some reason to believe, that the partisans of such proceedings as he had described, knowing the feelings with which they must be viewed by a British House of Commons, would be disposed still further to protract the settlement of these claims, if they were aware that so troublesome an assembly as that was to be silenced for six months. While he could not consent to delay, he should, in the first instance, move only that the petition be brought up.

Mr. Alderman *Thompson* said, that men of higher honour than the petitioners were not to be found in the city of London. He felt bound to support their claims with all the energy of which he was capable. Many of those persons had been reduced from affluence to a state of abject poverty. One of them had been living on the bounty of his friends, expecting daily an adjudication in his favour; but having sunk under his misfortunes, he was now the inmate of a public hospital. If that unhappy situation was the result of any fault of his own, his case might not call for the interposition of parliament; but no such charge was alleged against him. His property was taken from him on the high seas, without any other plea than that of necessity.

Mr. *Fergusson* said, he would confine himself to the single point of the imperative duty which had devolved upon government to see the convention fulfilled. Here was a case in which a regular arrangement had been made between a person in the confidence of the Spanish court. It was not denied that the agents of the court of Madrid had acted with full powers; but it was alleged that they had exceeded their instructions. Now, suppose the British claimants had agreed to accept 500,000*l.* for their indemnification, would they not have been bound by the act of their agent so stipulating? Why, then, was the act of the Spanish agents to be avoided, because the sum was larger than their government were willing to pay? If this were the case of mere individuals, no question could possibly be raised against it. This was not a matter of private grievance, neither was it a case of political or commercial delinquency.—It was a public case, involving loss of public character, if the terms of it were left unfulfilled, and one fit for government to see redressed, at the risk of the utmost extremity.

Mr. Secretary *Peel* said, it was quite impossible to deny the undoubted justice of the claims of the petitioners—claims recognised and ratified by a solemn convention, and the right hon. gentleman had borne testimony to the exertions of those who had attempted to give effect to that convention. He knew that Mr. Canning, and after him lord Dudley, had given their utmost attention to those claims. His noble friend, who at present presided over the Foreign Department, had been so much occupied, since his entrance into office, that he had not been able to attend to that particular subject. He nevertheless believed, that nothing was more on his noble friend's mind, than to obtain justice for the petitioners. If, having said thus much, he should offer any opposition to the motion, he trusted it would not be attributed to any intention to oppose claims, the justice of which he had already proclaimed. He thought the right hon. gentleman himself must see, that the manifestation of the opinion of the House would be sufficient for his object. He thought also that to pledge the House to follow up the motion by an address to the Crown, was a proceeding not called for by the case in question. He hoped, therefore, that the House would not be called upon to pledge itself to ulterior proceedings, on a subject respecting which negotiations were still pending. He was enabled to say, that a greater probability existed at present of an amicable settlement of the matter than at any former period; and it was only an act of justice to the count d'Ofalia to declare, that he was most anxious to bring the affair to a conclusion. The count had full powers for that purpose, and had made a proposition, the difference between the sum mentioned in which, and that claimed by the petitioners, was not so material as to forbid the hope that the affair would be amicably settled.

Sir *R. Wilson* said, that the discussion had offered the best answer to the calumnies which had been circulated in another place, that the new South American States had so misconducted themselves, since their independence had been established, that the best thing that could be done would be to replace them under the dominion of the parent state. Now, it had been proved, in the case before the House, that the conduct of that parent state had been of a much more flagrant nature, than either Europe or America had furnished an example of. He feared, from what had already occurred, that the present government of this country was not disposed to press the claims of the petitioners on Spain, as vigorously as their predecessors had done, in the time of the Cortes; and he saw no reason why the present Spanish government should be treated with more indulgence than the government of the Cortes.

Mr. *Huskisson* said, he trusted that the period was near at hand, when the claimants would obtain that fair compromise which, under all the circumstances, could be accepted by them; always providing that such compromise was binding on the king of Spain, and to be forthwith *bona fide* executed by the payment of the promised sum. He believed, however, that the great difficulty on the part of Spain, had not been so much any pertinacious desire to refuse payment, as her absolute difficulty of finding the means of satisfying the demands upon her. He would take upon himself to say, that Great Britain had never urged any point more anxiously, with a view not only to the interests of the British subjects, but to the honour of the two countries. That was the course pursued by Mr. Canning and by lord Dudley; and he was happy to find that there was now a prospect of seeing the object attained. Under those circumstances, he was sure the right hon. gentleman would feel that there was no necessity for pressing his motion.

Sir *J. Mackintosh* observed, that the claimants had so often expressed themselves willing to accept of a fair compromise, that he could not think of urging them to adopt a course, towards which they were so perfectly disposed already.—He could not help thinking, however, that the declaration of the right hon. gentleman as to the anxiety with which this government had urged the claim of common honesty upon the government of Spain, and, as the result had proved, with so little success, afforded no great prospect of a satisfactory arrangement.—In conclusion, he took it to be the understanding of the House, as much so as if they had expressed it by resolution, that he now abstained from urging the claim, from the conviction that government would take the most effectual means in their power to procure compensation for the petitioners.

Ordered to lie on the table.

NATIONAL DEBT BILL.] On the order of the day for the second reading of this bill,

Mr. *Huskisson* said, that in the general view which the chancellor of the Exchequer had taken of our finances, he for the most part cordially concurred: but there was no opinion of his right hon. friend in which he more cordially concurred, than that in which he declared, that we ought to have no Sinking-fund save that which was produced by the surplus of our revenue above our expenditure. Though he was not prepared to quarrel with the proposed reduction in the Sinking-fund, he was disposed to lament that that fund would not be larger in amount. A Sinking-fund of 3,000,000*l.* was, in his opinion, much too small, when compared with the debt, to the reduction of which it was to be appropriated. Their first care should be to guard against an increase of the debt, and he was therefore for applying whatever surplus there existed to its reduction. He wished also to state, that, in his view of the matter, to the unfunded debt of the country, a jealous attention ought to be paid. Taking all the circumstances of this unfunded debt into account, and connecting it with the present engagements and advances of the Bank of England, he was satisfied that there was ground for prospective disquietude and alarm. In 1819, when we were called upon to consider of the resumption of cash payments, we were told by the Bank of England, that it was necessary that we should pay them the 10,000,000*l*., advanced by them to the government on Exchequer bills. The 10,000,000*l*. were re-paid; but since then more than that sum had been advanced by the Bank to the government, and that in a manner which placed the money less under their control, than when they advanced it on Exchequer bills, and under circumstances which, should a case of emergency arise, would place the country in a situation of difficulty, and possibly of eventual loss. In 1823, the Bank contracted with the government for what was called the Dead-weight, that was the purchase of annuities to the amount of 585,000*l*. for forty-four years. Now, certainly, at the time this contract was made, it was the expectation, he did not mean to say of the directors of the Bank, but of those who treated with them on the part of government, and also the expectation of the public, that the annuity so purchased by them should be gradually distributed and sold to the public. Otherwise the Bank keeping the whole of the annuity, and paying not less than 13,000,000*l*. during forty-four years, might as well have had its capital invested in land, houses, or in any thing else not convertible into the means of meeting other engagements.—Had it been intended, on the part of the directors, to keep the annuity permanently, the natural thing to have done was, to have called together the whole body of the Bank proprietors, and to have stated to them, that such was the nature of the contract, that it was an advantageous arrangement with the government and them, and to have called upon them to advance the necessary capital. In that case the public would have dealt with the Bank as with any other party who made an advance of money. But, as it was, instead of the capital being advanced in order to make the payments to the government, all the Bank did was to lend its credit, without an advance of capital being made on the part of any one person who had a pecuniary interest in that corporation. The difference between such an advance and one on Exchequer bills was very material. If the advance was made on Exchequer bills, in case of emergency they could be redeemed; and the public, if they thought the amount too large, might pay them off; or if the Bank found they were too much in advance, they might claim payment: but now the public had no control over the matter; for there was no possibility of their setting themselves free from any part of the sum without the consent of the Bank. That body had advanced nearly eleven millions on this score; to be added to that was a large sum on account of Exchequer bills; also eight millions in deficiency bills, besides something considerable on the malt duties. The only description of advance in which the Bank was deficient was that on mercantile bills of Exchange. Looking to all these circumstances, and the distant possibility of a change in the situation of the country, he thought it desirable that we should not be placed in a position in which the Bank, in order to do justice to the engagements which it had elsewhere contracted, would be under the necessity of destroying the circulation of the country, or of taking a course which might be inconsistent with the maintenance of our present metallic currency. Not only was it desirable that we should not, for these reasons, be placed in such a position, but also it was desirable, that we should avoid, in order to guard against the greatest of all evils, the possibility of again having recourse to a Bank Restriction act. What had been the result of the course lately pursued? We heard from various parts of the country, that there was at that moment, or was likely to be, an obstructed and straightened circulation, owing to the calling in of the one-pound notes. He did not believe that such would be the effect of that measure; and he knew that in the metropolis there was a perfect plethora of money; indeed, such as had never before been known.—The Bank, at that moment, had deposited in its hands 6,000,000*l*. of money, which could find no beneficial employment. This was a far greater amount than he had ever known to be lying idle in its hands before. Every banker in London also had large deposits in his hands, for which he could find no employment, consistent with the ordinary operations of banking. If the country came to be placed in a situation in which it would be required to make great pecuniary exertions, a demand for money would arise, and these deposits, amounting to six millions, would be withdrawn; which would prevent the Bank from diminishing the circulation, to protect the issue of bullion. Under any of the unfavourable circumstances which, in the course of events, must occur, he thought it desirable, upon principles of economy and of security, that considerable efforts should be made. He called upon the government, as soon as possible, to place the unfunded debt upon a more contracted scale. The Bank Restriction in 1797, which continued for a quarter of a century, had produced more calamitous consequences, more confusion, more moral and political evils, than any other measure parliament ever sanctioned. There was no sacrifice which they ought not to make to prevent the renewal of those calamities. The Bank of France, with a capital of 8,000,000*l.*, employed half of it in mercantile discounts, the legitimate use of a banker's funds. The mercantile discounts of the Bank of England were inconsiderable. If the directors were to relieve themselves of the public securities, which they held to an inconvenient extent, in proportion as the circulation was called in by their sale would arise the demand for discounts, and the other legitimate modes in which banks generally employed their capital. He did not mean to say that the safety of the Bank was in danger; but the steps it would take for its own security would distress the other ranks of society, in the same manner as it did in 1825. If the Bank found that they had not so great a demand for discounts as he apprehended, they would have let them reduce their rate of interest. Should we be placed in such a situation as we were in 1825, we should suffer for the advantages we now enjoyed. The signs of those times were obvious to many; and before the event he had himself given warning of what might happen. The Bank would be safe; but it would be obliged to protect itself, by taking a course which must create alarm in the country, and cause those great fluctuations in the value of property, which were so fatal in commercial communities. He herefore intreated his right hon. friend not to postpone the revision of that part of our finances, which related to the Unfunded Debt, and the manner in which so large a portion of the credit and capital of the Bank was placed beyond that control which it ought to have over all its funds.

Mr. *Maberley* was aware of the great inconvenience of the present state of the Unfunded Debt. In 1825, the Bank could scarcely have gone on two hours without a Restriction act. He thought the present system of the deficiency-bills was dangerous. The Bank, by the government anticipating its quarter's revenue, might be in a situation to say, if they did not grant them a Restriction act, that they would not make advances to pay the dividends. The Bank ought never to have had a Restriction act without paying for it to the country. It ought to reduce its rate of discount, and the Sinking-fund should be spent in reducing the Unfunded Debt; for, by purchasing in the 3½ per cents. instead of the Unfunded Debt, the country would lose 200,000*l.*, in the expenditure of the 3,000,000*l.* of Sinking-fund.

The *Chancellor of the Exchequer* said, he entirely concurred in the general principles which his right hon. friend had laid down. With regard to the Bank, he would observe, that the directors were the best judges of its proper management, and that the government had nothing more to do than to watch their proceedings, if their transactions appeared to interfere with the concerns of the country. With regard to what had fallen from the hon. gentleman, he must beg it to be distinctly understood, that he had given no pledge that the surplus revenue should be applied solely to the reduction of the Unfunded Debt. While the government diligently attended to the pecuniary concerns of the country, they would not fail to avail themselves of any circumstances which might appear advantageous for the reduction of the Debt, whether funded or unfunded. But he could not think that it would be at all beneficial to accede to limit the power of the commissioners to the purchase of one particular fund. He did not pledge himself to any particular course of conduct: he only asked, on behalf of the government, that they should be left free and unrestricted, but responsible for their conduct, if they should be found to abuse the powers placed in their hand by parliament.

Mr. *Hume* said, that ministers ought to be compelled to apply the surplus according to some settled principle, and to redeem some particular Stock. He could not approve of the principle of the bill; because it obliged the government to appropriate three millions to the redemption of the Debt, until parliament again met; and if the consolidated fund did not yield this sum, it was only establishing a Sinking-fund with two millions less. The bill was inconsistent with the resolution of the Finance Committee, and therefore he objected to it.

The bill was read a second time.

HOUSE OF LORDS.

Wednesday, July 16.

Foreign Policy of the Country—Turkey—Greece—Portugal.] Lord *Holland* rose and said:—My lords, the information, to obtain which I rise to move an Address to the Crown, relates to two important branches of our foreign affairs; I mean those connected, first, with the Treaty of Triple Alliance, and the situation of Greece, and Turkey, and Russia; and secondly, with our ancient Ally, the kingdom of Portugal. These are both subjects of great interest; and the attention of parliament was directly called to them by the Speech from the Throne, at the commencement of the session, and expectations were raised, that the results would be made known to your lordships on both these subjects; but, during the whole session, no further information has been laid before your lordships. My chief motive for submitting that motion to your lordships, with which I shall conclude, is, to protest against the appearance of indifference, which, if real, is a great calamity to the country, and must lead to the loss of that character of importance which this country has so long maintained. My motion, my lords, will be simply a motion for information. At the same time, I should be acting disingenuously, in submitting this motion for information, were I to say, that I see nothing peculiar in the situation of the country—no changes which have taken place within the last few months, in the general situation of affairs, which persuade me that we ought to congratulate ourselves on that confidence in his majesty's government, which is quite unparalleled in the history of parliament, and which may not, perhaps, lead to the honour of the Crown and the interests of his majesty's subjects. I shall state, first, the situation of your lordships, with respect to the information I propose to have supplied; and, next, I shall refer to the changes which have taken place in Europe, and which require that parliament should obtain that information. My lords, we were told in the King's Speech, at the commencement of the session, that "in maintaining the national faith, by adhering to the engagements into which his majesty has entered, his majesty will never lose sight of the great objects to which all his efforts have been directed—the termination of the contest between the hostile parties, the permanent settlement of their future relations to each other, and the maintenance of the repose of Europe upon the basis on which it has rested since the last general treaty of peace." My lords, a transaction like this, in my judgment, calls on the House to ask, why some further explanation has not been given to parliament. A long time has now elapsed—it was early in April, 1826—since the protocol of the Treaty was signed at Petersburg by the noble duke opposite. On July 6th, 1827, the Treaty for the furtherance of the objects set forth in the protocol was also signed—a treaty of as much wisdom, and founded as much on justice, and as likely to produce permanent advantage to this country and to all Europe, as any treaty that ever was signed. That treaty was signed on the 6th of July, 1827. It was not till the meeting of parliament, on January 29th, 1828, that the existence of the protocol or the Treaty was communicated, and laid before parliament. We were then told, that further communications would be made, and our expectations were raised, that all the benefits promised by that Treaty would be attained. It was stated that his majesty had the greatest hopes, that the objects of that treaty would be attained without further hostility, by the active co-operation of his Allies. Neither in that protocol, nor in the Treaty, the object of which it was hoped to attain without further hostility, was any provision made for the security and preservation of that power which has of late been somewhat ostentatiously, but incorrectly, called our "ancient ally;" words which, when examined, will be found to be a modern blunder. No, my lords, I hope I never shall see—God forbid

I ever should see—for the proposition would be scouted from one end of England to another—any preparations, or any proposition, or any attempt, to defend this our ancient ally from the attacks of its enemies. There was no arrangement made in that treaty, for preserving the crumbling and hateful, or, as Mr. Burke called it, the wasteful and disgusting empire, of the Turks from dismemberment and destruction; and none of the powers who were parties to that teaty will ever, I hope, save the falling empire of Turkey from ruin. Now, my lords, what has happened? I am informed, but I may be mistaken, that our "ancient ally" imagined, that every thing which had been directed against her interest had been concocted in this country. He has rejected all our overtures; and the consequence has been, that our ambassador, and the ambassadors of the other powers, have left Constantinople. What followed? Soon afterwards, the Turkish government explained the motives for its conduct, and its situation in relation to its own subjects. The Turkish government published a haiti scheriff, entirely directed to its own subjects; as if directing it to them was a sufficient reason for avowing a system of profiting by its oppressions, and for expressing its insolence to other states; and it seemed to think, that because the haiti scheriff was published to inform its own subjects, it might express its suspicions of the conduct of other governments. The Turkish government published its haiti scheriff; and Russia, which, for a long period had paid the greatest attention to all the considerations and objections which had been urged on her, or felt by the other powers of Europe—which had, for a long period, out of deference to their feelings, foregone the fair object of all her ambition—which, with an attention to the general policy of Europe, and a magnanimity unparalleled, had long resisted the strongest temptations—had attended only to the representations of this country and her allies, and had waited faithfully to the last moment, before she had taken any open measures to oppose the insults of Turkey—had resisted the disposition of her people to engage in war; Russia had now engaged in war, which upon all principles of policy and public law, she had a right to wage—nay, was called on by her duty to wage. The Russian government explained its motives to its subjects and even to its allies; she renounced completely all objects which might excite their suspicion and jealousy. France, also, has given an explanation to her people and her parliament, and has explained the alteration in her views, occasioned by the alterations in the situation of affairs. Russia, France, and Turkey, then, have explained to their people the situation in which they now stand; and the government of England stands, like the little dog in the "Two Gentlemen of Verona," and says not a word. This is, in my opinion, a very strange proceeding. We are entitled to know, if not our exact situation, at least the reasons why no explanation has been given. This is the narrow ground, on which I rest my motion. This would be the only narrow ground, if I could hope that there was nothing in the situation of the country to rouse parliament from its slumbers. If nothing had grown up to darken our prospects there would be some reason to suppose, that we were not committing an error, in preserving our confidence; but I cannot say that I see the state of the country in this light. There are strong appearances of great changes, not to our advantage. The cordial co-operation of the three contracting powers was one of the advantageous points formerly under their consideration; they had not only signed the treaty in the spirit of peace, but they had continued to maintain it in that spirit. But it is now stated, that the treaty stands upon different grounds, and that these parties differ on several material points. We were told, at the commencement of the session, notwithstanding the "untoward event" which had taken place, that the objects of the treaty would be attained without further hostility. But your lordships know, that the king of France, and the emperor of Russia, have viewed that "untoward event" in a very different light from that in which it was viewed by our ministers. The emperor of Russia has stated, that if the battle of Navarino was followed up with courage and consistency, that great victory seemed to have been well calculated to enforce and secure the objects of the treaty. The king of France has not called that battle an "untoward event." While he manifested his regret at the effusion of blood, he considered the event as glorious to the arms of all the three allied powers, and likely to promote the cause of humanity and secure the objects of the treaty. If I am not misinformed, there were made at a very early period of the alliance, offers by the governments of France and Russia to lend money to Greece, which our government did not adopt. I do not speak of the wisdom of not adopting these offers; but this difference was a strong symptom of a want of that community of feelings, which it was so desirable should subsist, and which did subsist, particularly between the Russian government and Mr. Canning's government at the time of signing the treaty. I have been told, that when the offer of lending money to the Greeks at the early period of the treaty was rejected by our government, the French government concurred. I do not say it would have been wise in Great Britian to lend money. I think it would not; but such a resolution must be concurred in by all parties. It is not correct to encourage one party to do more than the others; but, when it has been found necessary to send money to the Greeks, the French government sent it; it sent, as I am informed, half a million of livres secretly to the Greek government. The parties agreed, that if the mediation was refused by Turkey, and accepted by Greece, consuls should be sent to Greece by the contracting parties. I have not heard that any have been sent from this country; but the Russians and French have sent consuls to Greece. Let me tell your lordships, that it was possible not to agree on this great question of policy, when the protocol was signed, and when the treaty was signed: the subject only so remotely affected the interests of this country, that it was a fair question for doubt; but when once our policy was decided on, it became necessary to the honour of Great Britian, and essential to the well understood interests of the country to take measures to execute the object of the treaty, and to carry it through with the same intention with which it was begun [hear, hear! from the duke of Wellington]. I see by the cheer of the noble duke, that he thinks the manner and mode was purely mediative—that the negociation was intented only to take that course. I shall be ready to meet the noble duke on this point; and I tell him to his face, that, according to the accredited principles of public law, that protocol gave the Turks a just cause of war. I ask, if it were not the intention of those who signed the protocol, and who used no menaces, no threats, if they found difficulties in their way, to enforce it? And, if it were not, I say they stultified themselves. If ever the parties to a treaty intended to enforce it, the parties to that treaty did. I refer to the individual who signed the protocol; and unless the parties to it did mean to protect that country for which the mediation was undertaken—unless they meant to secure for that country a free civil government, which intention excited the admiration of mankind—unless they meant to provide against the consequences which might ensue from that treaty to the Greeks —unless they meant to do all this—will any man tell me that it was necessary for the three great powers of Europe to unite against Turkey? I say, that unless this were the intention of the parties to the protocol, those who signed it did not know what they were signing. If the noble lords opposite will lay the despatches of that period before parliament, I will undertake to shew, that all the governments, who were parties to that treaty, were resolved, if necessary, that it should be enforced by power. I pledge myself to prove, that it is impossible that such a treaty could be carried into effect without coercion. Nay, more, if the intention of his majesty's government was not to carry the stipulations of that treaty into effect by power, if they resolved to refuse to act against Turkey in the event of Turkey refusing to fulfil the conditions of that treaty, that their conduct was much worse than foolish; it was disingenuous, dishonourable, and treacherous. For, by the protocol, Russia consented to give up some objects that were very essential to her. She not only gave up the opportunity of acting in favour of the independence of Greece, single-handed, but she gave up, by inference at least, any advantage to herself in the Mediterranean, or in Greece, which she might otherwise have been able to extort from the Turkish government. If it was the intention of those who signed the treaty, to sign it with a mental reservation, which was to enable them to avoid carrying it into effect, if necessary, by the exercise of power, their conduct would resemble that of some infidel Christian in Constantinople—some dog, as he is there called—who would prostrate himself at the feet of the grand seignior, and say, "I shall be obliged to your sublime highness to emancipate all the rebellious Greeks, to enable them to buy and sell property, to enjoy perfect freedom in trade, and toleration in religion; and if you do not consent to make these concessions, why I will go home, with my tail between my legs, and take no ulterior measure to enforce my request." I have alluded to the protocol as the foundation of the treaty. The terms of that protocol were wise and just in appearance; but they were wise and just in reality, only as far as it was intended to follow them up by action. What was the preamble to that protocol? That it was framed "for the interests of religion and humanity." If the exercise of coercion, if necessary, was not contemplated, what was it but to say, "We will go to this infidel power, and require him to do what we know is disagreeable to him; if he refuse to submit, we say nothing more about it, and leave the interests of religion and humanity to take care of themselves." I contend, that the reserve and silence on such a subject manifested by his majesty's government, although it is no evidence of lukewarmness and insincerity, is calculated to excite great suspicion; and great suspicion, under the present circumstances is calculated to be almost as detrimental to the honour and interests of this country, as the existence of the lukewarmness and insincerity. If we are engaged honestly, manfully, and straight-forwardly, in an attempt to accomplish the objects held out as indispensable in the protocol and treaty in question, there is nothing that could give more force to the representations of his majesty's government, even in Constantinople—nothing that could give more confidence to our allies—nothing that could excite more sympathy throughout the world, than a frank, unreserved communication on the subject to parliament. Where silence and mystery are observed, suspicion must always arise. I am far from meaning that on such matters it is not competent to a government to exercise a sound discretion. There may be cases in which it would be perfectly justifiable on the part of government to conceal steps which it was intended to take upon a treaty concluded with foreign powers: but in a case like the present, in which by public events, by a speech from the throne, and by the general interest awakened, the attention of parliament and of the public has been powerfully called to the subject, it appears to me that it was the duty of government to state the reasons by which their conduct was influenced. Upon these grounds it is, that I mean to propose a string of motions, for the purpose of procuring the information which has not been spontaneously afforded. As Turkey is now at war with another of our allies, I think it right to call for the production of any treaties that have been concluded between Great Britain and Turkey, since Feb. 1809. The second motion is for copies or extracts of all such dispatches from his majesty's ambassador at Constantinople, as relate to engagements made, by word of mouth, for mutual defence and support, with any of the diplomatic agents of the Sublime Porte since January, 1809. I should have thought it almost ludicrous to suppose that any engagement or alliance could be formed between two states "by word of mouth," had it not been for what has been said by a noble viscount opposite, (Strangford) as to the accuracy of the Sublime Porte, and its fidelity in fulfilling even its parole engagements. I certainly was very much surprised to be told, by the noble viscount, that there are traditional agreements between Turkey and this country; and that Mussulmans were so superior to Christians in their adherence to their engagements, that he would trust the word of a Turk, more than he would a Christian's oath. Really, I think, the noble viscount's experience must pretty strongly contradict this declaration. When the noble viscount first went to Constantinople, all relations between Russia and the Porte were suspended. Great Britain, Austria, and the other powers of Europe, were anxious that those relations should be renewed. When the emperor Alexander was applied to on the subject, he answered, that he had no objection to renew those relations; but that, after the manner in which his ambassador, baron Strogonoff, had been compelled to quit Constantinople, he could not, in honour, send any diplomatic agent to the Porte, unless the amende honourable were previously made to him. Upon that, the noble viscount entered into a negotiation, which he conducted with great ability; and suggested to the Reis Effendi a number of concessions to Russia, in the propriety of all of which the Reis acquiesced. Pleased with the successful issue of this discussion, the emperor Alexander took advantage of these proffered concessions, and sent a diplomatic agent, M. Minziacki, to Constantinople to receive them. M. Minziacki, was somewhat surprised to find, that, after several months' residence in Constantinople, he was not able to obtain an interview with the Reis Effendi. At last he saw him, expressed the delight which his government felt that the Porte had come to its senses, and had agreed that it would do so and so. Upon which this Turk, who either was troubled with a short memory, or was not quite so honest as the noble viscount supposed all Turks were, threw his arms up in the air, and exclaimed "Allah! Allah! Allah! I say those things! If I were to say a tenth part of what you have been describing, my head would soon be rolling in the gutters of Constantinople!" If, after such an occurrence as this, the practice of forming engagements with the Turks by "word of mouth" has been continued, it is high time that that practice should be abandoned. What I wish for, therefore, is information on the subject, and I shall therefore move for copies of all dispatches from our ambassadors at Constantinople, communicating such engagements. The next motion is for copies of all public documents communicated to our government by Russia, in which the emperor has declared his intention of adhering to the conditions of the treaty of the 6th of July, 1827, notwithstanding the war with Turkey in which he is at present engaged. It is right that your lordships and the public should be put in possession of that declaration; and I have little doubt that when it shall be produced, it will highly redound to the honour of that great prince. I shall also move for extracts from the minutes of such conferences between the ministers of the three allied powers, since October, 1827, as relate to the protocol of April, 1826, and the consequent treaty of the 6th July, 1827.

My lords, I have done with the first division of my subject. I now enter upon a portion of it, which I confess I approach with considerable difficulty, and with some feelings of regret. I have always maintained, that the existence of a firm, friendly, and cordial alliance between Great Britain and Portugal, is of infinitely more importance to the interests of this country, than an alliance with all the other powers in the world put together. Splendid as have been the achievements of the noble duke in the profession which he adorns, no benefit that he has ever conferred on his country or on posterity has equalled in value the exercise of those powers of mind, and that decision of character, which enabled him to show that the lines of Torres Vedras, were capable of being maintained against the world in arms. I am satisfied that at all times, but more especially at periods when Portugal is surrounded by nations with feelings hostile in any manner to this country, Lisbon is a point which it is of vital importance to the character and to the interests of England that we should defend. I do not found this opinion on any notions of the honour of maintaining an ancient ally; although, God forbid I should disparage any such notions; and, although I might easily show, by a reference to existing treaties, that we are bound to maintain the rightful government in Portugal against all foreign enemies, and against all domestic usurpation. My lords, I do not approve of such treaties; but I think it very questionable if treaties by which we are pledged to the government of Portugal to assist it in resisting domestic usurpation do not exist. It is, perhaps, a topic more suitable to the antiquary than to the statesman; but I very much doubt if the treaty concluded by this country, in 1642, with the House of Braganza, soon after it had recovered its independence, did not renew all our ancient treaties with Portugal, as far back as the reign of Edward 3rd; and if so, the introduction in the treaty concluded in that reign, of the words "vassalos et rebelles," is certainly a strong argument in favour of the presumption, that we are bound by treaty to assist the rightful government of Portugal in suppressing domestic usurpation. But I do not put the case upon this ground; I do not put it upon the necessity of sustaining the honour of this country; although God knows I value that honour much more, perhaps, than those who talk a great deal about it; but I put it on the ground of mutual interest and affection. There is no part of our continental policy so indelibly written on the hearts of Englishmen, as that their own interests and a generous attention to the interests of an ancient friend are inseparably involved in the maintenance of the safety and independence of Portugal. The attention of parliament was strongly called to this subject by the Speech from the Throne, on the opening of the present session. In that speech we were told—"His Majesty has the greatest satisfaction in informing you, that the purposes for which his Majesty, upon the requisition of the court of Lisbon, detached a military force to Portugal, have been accomplished. The obligations of good faith having been fulfilled, and the safety and independence of Portugal secured, his Majesty has given orders that the forces in that country should be immediately withdrawn." Such might have been supposed by his majesty's government to be the case at that period. But, will any of your lordships say, that the safety and independence of Portugal are now secure? Putting aside the question—whether the government of Don Miguel is a government of treason or not—is there any man who knows so little of the present state of political feeling throughout Europe, as to deny, that Don Miguel is necessarily, if not at the head of the faction, connected with the faction in Europe, which bears a rooted and implacable hatred towards the constitution, and the free institutions of this country? It is highly important, therefore, that we should know what were the causes which led to the present unfortunate results in Portugal. It is highly important that we should know whether or not this country can be justly charged with having directly or indirectly contributed to those results. I am far from expressing any suspicion on the subject; but, as a member of the English parliament, I have a right to receive from his majesty's government the information which I now require. I put it on the narrow ground, that every thing which happens in Portugal is necessarily interesting to Great Britain. But, at the same time, I must ingenuously acknowledge, that the events in Portugal wear an appearance not at all calculated to diminish my desire to obtain information how far the faith and honour of the country have been preserved with the constitutional party in Portugal; and how far we have fulfilled our engagements with the emperor of the Brazils, or with his daughter Donna Maria da Gloria, as queen of Portugal. I throw out no imputation; but I am anxious to hear his majesty's government openly disclaim all connexion with the odious usurpation in Portugal. I do not charge his majesty's government with having any such connexion. God forbid I should do so! But, although I have a thorough confidence in the intentions of government, I cannot forget, that it frequently requires the exercise of great capacity, ability, and address, to carry even good intentions into effect. One of the reasons which induce me to seek for the information, is to know whether the fall of Oporto, and the present calamitous state of affairs in Portugal generally, have not been, in some degree, occasioned by a mistaken confidence on the part of his majesty's government in certain persons in that country. I believe the noble lords opposite will declare that it was their intention to preserve the strictest neutrality between the two parties in Portugal. In the first place, it may be fairly mooted, how far, consistently with our honour and interests, we had a right to adopt the line of strict neutrality? But if we did adopt that line, I then ask for information, in order to see if the course pursued by government did really treat both parties equally; or whether it did not sometimes happen, that the party against whom all our wishes were directed, did not derive all the benefit of the course, which was meant to be one of strict neutrality. It is not unworthy of remark, that the first advantage gained by the cause of usurpation was gained while our troops were in Lisbon. It was very possible, without the slightest intention on the part of his majesty's government, or on the part of the agents or officers of his majesty's government; but it is highly probable, that the bare circumstance of the British troops being in Lisbon deprived the constitutionalists of the best opportunity of resisting the early encroachments of usurped power. I know that what I am about to say may expose me to much misrepresentation; but I believe that the anxiety which, in several instances—in Naples and in Portugal—we have pushed too far on the subject, has caused a notion to prevail, that the preservation of the person of a prince, is the paramount consideration with an English commander; and that that notion may have prevented the constitutional party in Lisbon from taking those measures which were absolutely necessary for the success of their cause. A question was lately asked respecting the correspondence of a noble viscount (Beresford) with certain persons in Portugal. I am the last person to say, that any English subject is not fully entitled to correspond with whom he chooses, and on what subject he chooses. The correspondence of the noble viscount may have been innocent—it may even have been judicious. I do not remember whether the noble duke stated, that he had seen the whole of that correspondence.—But I know that this correspondence has been represented in Lisbon to be of a character very different from that which the noble duke attributed to it. It is a fact, which the production of the papers I am about to move for will prove beyond all possibility of dispute, that that correspondence has contributed materially to the success of Don Miguel. To my knowledge, the expressions in that correspondence were bandied about in every quarter of Lisbon; and the inference which I draw from that fact is, that it is quite impossible but that his majesty's diplomatic agents in that city, must have complained to his majesty's government of the injurious effects which had thereby been produced. I will venture to say, that if the papers for which I shall move be produced, it will appear, that there has not been a single person employed by his majesty's government in an official situation in Lisbon who has not, in his communications to government, described the correspondence of the noble viscount as having had the effect of thwarting the objects which this country had in view.—The least that can be said of this occurrence is, that it was "an untoward event." I bring no charge against the noble viscount; he has a perfect right to be a Miguelite, if he chooses to be so; only, if I had been in the place of the noble duke, I certainly should not, under such circumstances, have promoted the noble viscount to the high situation which he now holds, at the very moment when he had it in his power to inflict the greatest injury on the cause that I was desirous to support.

Then comes the blockade of Oporto.—The annunciation of that blockade by our government was certainly not accurately worded; for it gave Don Miguel a title which he had forfeited. As to the principle of the blockade, it was one, the justice of which I not only acknowledge, but am prepared to contend for; for it was the principle of protecting the weak against the strong. I cannot, however, but remark on the breathless haste with which this principle was acknowledged, when it was in favour of Don Miguel's cause; and the absence of breathless haste in acknowledging it, when it was in favour of a people contending against tyranny. Besides, the blockade scarcely amounted to a real one; which is evident from the fact of the ease with which ships were allowed to go in or out of the port without interruption. It is said, that the Constitutionalists in Portugal have shown themselves to be cowardly and pusillanimous. I do not mean to assert, that they have shown themselves heroes; but I beg leave to observe, that persons who have the happiness of living in countries not subject to such great vicissitudes of government, are scarcely fair judges of the matter, and at least ought to abstain from severe criticism upon the conduct of individuals whose situation and feelings they can but very inadequately appreciate.—The only way in which an Englishman should look at the recent occurrences in Portugal, is to ask, "What effect has my conduct, or that of my government, had in producing them?" However anxious we may have been in this country for the success of the constitutional party in Portugal, we ought not to forget what might have been the very natural reflections of an individual of that party during the late struggle. "The constitution is connected with the interests of the emperor and his daughter. Is it supported by England? By the answer to that question will it stand or fall. What I see induces me to doubt the fact. If I exert myself against Don Miguel, and he should become king, I shall be hanged. But if the constitution be really cherished by England—if the shield of Achilles be really thrown over it, let that be seen, and I will boldly adhere to the cause." There is no doubt that many individuals in Portugal sided with the constitutional party, because they thought that that party had the support of the government of Great Britain; but there is also no doubt, that many individuals abstained from siding with that party, because they thought that the government of Great Britain had not acted openly and ~~ingenuously~~ on the subject. I believe that that is the reason of much of the indifference that has been shown in Portugal to the cause of the constitution. But when I use the term indifference, I do not mean that the indifference has been real, any more than that it was real in Spain. The French enabled the faction opposed to the constitution to triumph in Spain. I fear that our lukewarmness towards the friends of the constitution in Portugal, has enabled the faction opposed to the constitution to triumph in Portugal.

I think I have laid sufficient grounds for asking for information, looking to the events which have taken place, and to the consequences which have in part, and which are yet likely to flow from them. Whilst upon these subjects I cannot forbear from adverting to a distinguished statesman, under whose direction the foreign policy of this country had been recently placed. With that minister (Mr. Canning) I had been intimate in early life; but that intimacy was discontinued, owing to differences of political opinion—until last year, when it was renewed. Of that minister, in justice it should be said, that, whether owing to a fortunate combination of circumstances, or to whatever other causes, he left this country, as far as referred to its foreign relations, in the highest and most glorious situation [hear, hear!]. He left her powerful and respected—he left her connected with two of the greatest powers of the continent, and engaged in a triple alliance to accomplish objects which must be dear to the heart of every man of moral and virtuous feelings. Mr. Canning was engaged at the period of his death in this noble undertaking; in which he had the sincere co-operation of the states, in concert with which he acted. Mr. Canning left this country in military possession of Portugal; and in what more desirable situation for the welfare of Portugal itself, as well as for England, could we be, to dignify and illustrate the position which this, a great nation, should occupy? The advantageous positions which Mr. Canning had obtained have not been maintained, certainly not improved. We had been told, that we were not in a situation to face war. I am one of those who consider this the greatest of calamities to any country, and peculiarly so to this; but there is one calamity greater, and that would be the loss of our independence.—Anxious as I am to protect the interests of the fund-holder, and to attend to the interests of land, I would risk the sacrifice of them for the independence of the country. Both would I readily sacrifice to the ascendancy of that independence, without which, instead of being the high and mighty nation that we were, we should crumble into insignificance in the scale of nations. We had been already freed from the incubus of the Holy Alliance; and let me hope that there is no intention of returning to the counsels by which it was sought to connect us with it. Indeed, in noticing the acts of commission, as well as of omission, I do not suspect it to be the design of ministers to have recourse to such pernicious counsels. But, after what we have seen—after the appearances which have presented themselves, and from the consequences which are to be anticipated, it is but right that we should be put in possession of the amplest information on subjects so important. The noble lord concluded by moving for the several documents referred to in his speech.

The Earl of *Aberdeen* said, that with respect to the documents for which the noble lord had moved, some of them were not in existence, others had appeared in the newspapers, and others were of such a nature, that it would be inexpedient to produce them, whilst transactions so delicate as those to which they referred were pending. If he declined, therefore, acceding to the motion, it was upon these grounds. But the noble lord had dwelt upon two main points, and he felt it necessary to notice the observations which the noble lord had made respecting them. Of these points, he should deal with the last first. In the expressions of regret to which the noble lord had given utterance, at the events which had recently taken place in Portugal, the noble lord must have expected complete concurrence, on the part of the government and of the House.—They were unquestionably subjects of regret; and every one must feel them to be so. Here, then, there was no charge against the government; but it was his wish to see the particular points on which the noble lord rested his charge or suspicion against government. For one of those there could not be the slightest foundation. The noble lord had said, that the professed principle on which we had acted with respect to Portugal was that of strict neutrality, and in this the noble lord was perfectly correct; but the noble lord had complained, that there were appearances which justified the suspicion that that principle had not been observed; and in support of this position the noble lord had mentioned the rapid acknowledgement, on our part, of the blockade of Oporto, and the title which we had given to the person who caused that blockade, in our notification of it. The latter complaint was a strange one indeed; for, whatever might be the title of Don Miguel now, the title given him, in the notification of the blockade, was certainly his title at the time that notifica tion was written. With respect to the rapidity with which the blockade was acknowledged, it was their duty to notify it immediately. If the question had involved any doubt or difficulty, time for consideration might have been necessary; but it was thought unworthy of the British ministry to delay doing that which they thought it their duty to do in a matter on which they had already made up their mind. The noble lord, too, had said, that we were left in military possession of Portugal; but were we to continue in possession of Portugal? If the noble lord thought we were, he would ask him by what right we could have retained possession of Portugal? Our troops were not sent there to maintain possession of Portugal; they were sent there in fulfilment of treaties, the execution of which left them no option. It was possible there might be some good reasons for keeping our troops there longer. If there were, he was unacquainted with them; but this he did know, that there were none when our troops were withdrawn. He should wish to ask the noble lord, if he thought, supposing we had not preserved a strict neutrality, that we had favoured Don Miguel? Let the noble lord consider for a moment what our conduct had been.—Don Miguel left this country, taking with him, through our intervention, supplies of money. No sooner had Don Miguel given indications of a departure from those professions which he had made in this country, than he was deprived of those supplies. From that day until the day in which the functions of our ambassador were suspended, remonstrance, on our parts, had followed remonstrance, each couched in stronger language than the preceding; and at length we suspended the functions of our ambassador. Did this show any thing like a leaning in favour of Don Miguel? Did it display any disposition to oppose the party who were against him? Had we not now thrown off all diplomatic relation with the person whom the noble lord had supposed that we favoured? If, therefore, we had not preserved a strict neutrality, it was at least certain, that our partiality had been exercised rather against than in favour of Don Miguel. But the noble lord seemed to entertain a very erroneous notion of the nature of our relations with Portugal, and of our obligations towards that country.—Our obligations were simply a guarantee against foreign invasion to the house of Braganza; but the notion of the noble lord, that this obligation extended to internal dissensions, was the most preposterous that man ever entertained. It would be quite impossible for us to fulfil such engagements, if they had, which they had not, ever been entered into.—There would be no end to our interference, if we were called upon, in every internal dispute, between the members of that family, or between the king and his people. Then, as to our obligations to the constitution, we had no obligations of the kind, we had nothing to do with the constitution. The accident of our troops being in Lisbon might have contributed to the success of that constitution; but they were not sent there for any such purpose. Whatever might be our wishes to see the establishment of liberal institutions; to enforce such institutions in a country, contrary to the inclinations of the people, would be to do that which he was sure would not meet with the approval of the noble lord. The noble lord had intimated that he did not believe any such disinclination to exist in Portugal. He did not pretend to be a good judge of the matter, but certainly events and appearances were against the noble lord; for it was generally found, that that which people loved they defended, and that that which they disliked they resisted. In his opinion, if it had not been for the accidental presence of the British troops in Portugal, the constitution would not have lasted as long as it had lasted. He believed, that it was with Portugal, as he recollected to have heard Mr. Canning declare that it was with Spain, that the feelings of the majority of the people were against such institutions. Be that, however, as it might, we had nothing to do with the matter. Our engagements were known and explicit;—those engagements had hitherto been fulfilled, and, doubtless, they always would be fulfilled, whenever we were called upon to perform them. Certainly, the noble lord had not exaggerated the importance of a close connexion between Portugal and this country; but he thought that, in this particular, the noble lord had indulged in the most preposterous apprehensions of the result of events now passing in Portugal; for he could not bring himself to imagine that any sovereign of that country—let him be a despot, or of whatever other character—could be insensible to how much it was to his interest to be nearly connected in alliance with this country. The form of government in Portugal had never disturbed that alliance. He was very much mistaken if those persons who supported Don Miguel, though they might not, perhaps, be actuated by the most enlightened views, were not the friends of this country. He confessed, too, that he was afraid that among the other party, there were not a few, who were not only not the friends of this country, but not friendly to good government in any country. He trusted he had proved that his majesty's government had been sincere in their desire to preserve the principle of strict neutrality, and that if there had been any departure from that principle, it had not been in favour of Don Miguel. He now came to the treaty of the 6th July, 1827. He would not say one word upon the wisdom or the spirit which had dictated that treaty. The treaty was in existence, and being in existence, he would yield to no man living in earnest and honest endeavours to carry it into full execution. At the same time, he thought the noble lord had mistaken the spirit of that treaty. The noble lord, in his indignation at the existence of the Turkish government, seemed to think, that a part of the plan of that treaty was the destruction of the Turkish empire. The treaty, so far from having in view the destruction of the Turkish empire, proceeded upon an opposite principle. Now, the noble lord seemed to think, that appearances were against their executing this treaty, in the spirit in which it had been framed. Proof that any such intention existed the noble lord could not have. He admitted that, at the beginning of the session, a hope had been held out respecting the execution of that treaty, which had not been so speedily realized as might have been expected. But, were there not circumstances which accounted for the realization of that hope having being protracted ? The emperor of Russia, for reasons which they knew not, had thought it necessary to declare war against the Porte. Now, he must beg of noble lords to recollect, in what a situation this circumstance placed the other parties to the treaty. It was their declared wish, to execute the treaty without a war. One of the parties became a belligerent. Did not this alter the situation of the other parties to the treaty ?—In this fact was to be found the cause of the delay that had taken place. This fact gave rise to hesitation, and to explanations, which, he was sure, the noble lord himself would not think unreasonable.—His Imperial majesty at once divested himself of the character of a belligerent in the Mediterranean ; and no one would deny that the sincerity and the generosity the emperor of Russia had displayed in doing this, were entitled to the highest praise. But, until that was done, it was impossible that the two neutrals could co-operate with the belligerent, under the treaty. Now, he could by no means agree in the general view which the noble lord had taken of the Turkish empire ; which seemed to be the great object of the noble lord's indignation. It might be true that, strictly speaking, Turkey was not an ancient ally of this country, but certainly Turkey was an ancient friend of ours ; certainly there had seldom been any cause of complaint between us ; certainly there was none at present. And when the noble lord was so loud in his exultation at the prospective downfall of the Turkish empire, he thought the noble lord had taken a very erroneous view of the policy of this country towards Turkey. In his opinion, the existence of Turkey as an independent power—as a power of weight, and of considerable influence in the affairs of Europe—was essential to the preservation of that balance, which it had always been the policy of this country to preserve. In his opinion, if any very material diminution in the power of Turkey took place, it would be felt by all the great powers of Europe ; and if that was the case, it would be our duty to preserve it as entire as possible. He thought it very fortunate that such views were entertained by the emperor of Russia, as those which he had expressed. In the magnanimity of his Imperial majesty, he placed more confidence than the noble lord. As to another point which the noble lord thought suspicious, he must take the whole blame upon himself. But, so far from the delay to which the noble lord had alluded, arising from any indisposition to prosecute the treaty, or to any lukewarmness on his part, the fact was, that since his present duty had devolved upon him, he had not been able to fix upon any person with whom to trust so important and delicate an affair. The noble lord had thought proper to contrast the situation of the country now with the situation in which it was last year. He had talked of the policy of Mr. Canning, and had hinted that there had been a deviation from it. Now, he had heard the same fear expressed before; but he had never yet been able to tell what was meant by it. He should say, that the general policy of this country was the same now as it had been for many years past—namely, an earnest desire to preserve peace, not only to England, but to the whole world. Now, he would ask, how was this object to be effected? Surely not by vilifying every sovereign in Europe, or by reprobating the institutions of other countries, because they were not deserving of the same admiration as those fostered under the free constitution of England. He thought it would be well, if noble lords would exercise, with reference to political matters, a little of that toleration which they so strongly recommended their lordships to act on, when religious questions came under their consideration; and that they would believe it possible for the subjects of other states to live very happily under a system of government entirely different from ours. The time would come when he should feel anxious to impart all the information which the noble lord was desirous to obtain; but at present their lordships would, in his opinion, be acting injudiciously, if they demanded the production of the communications which the noble lord required.

Viscount *Goderich* said, he felt it to be his duty to oppose the motion on the same grounds as those which had been taken by his noble friend; but, at the same time, he must say, that he was not at all surprised at the motion which the noble lord had submitted to their lordships; because he agreed with the noble lord, that it would have a very bad effect, if it were supposed that the British parliament was ignorant of the march of public affairs amongst foreign states, or that it did not feel a deep interest in their proceedings. But, while he concurred with the noble Secretary in the propriety of not producing the documents which had been called for, his noble friend would excuse him if he said that their lordships had not derived from his explanation any precise information on the subject to which the attention of the House had been called. Now, listening as he had done, with great attention, to the speech of the noble mover, it was, he thought, quite impossible for any man not to enter into those generous feelings which the noble lord had expressed, as to the situation of that unfortunate country—Greece. It was impossible for any man, whose feelings were in their right place, not to experience a deep interest in the fate of such a people; and there was scarcely a human being, he believed, who would not deplore the truth of the picture which the noble lord had drawn, and heartily sympathise in the feelings which he had expressed. But he felt the necessity, and he had equally felt it when he was a member of the government, of stifling those feelings which, individually speaking, did honour to those who entertained them as men; and, therefore, however deeply he was interested in the extrication of the Grecian people from the tyranny under which they had so long groaned, he did not think it would be wise, or expedient, that the interference of this country, with regard to the Greeks, should proceed solely from feelings of that nature, however exalted. There were other considerations to which they were bound to attend. The principle on which the English government had taken a part in the affairs of Greece, previous to the signing of the protocol by the noble duke, was not founded on any abstract desire to see Greece freed from the tyranny of Turkey, but to put an end to a state of things which had continued for many years, and which seemed likely to lead to universal strife and confusion throughout Europe. Therefore, he contended, that the principle on which the noble duke was sent to St. Petersburgh was, not to rescue the Greeks from the domination of Turkey, but to prevent universal war. They were perfectly justified in authorising the noble duke to sign the protocol; and they were equally justified, with reference to the treaty of the 6th of July, because they found that the representation which was made to Turkey had not produced the least effect on that power. If they were justified, on English principle, and with reference to English interest, in taking the step they had done in 1826, then he argued, that they were no less justified in adopting that more direct and coercive interference, to which they had resorted last year. But though this country was, in his opinion, justified in the course which she took in July, 1827, he was not prepared to say that the government was to go every possible length, for the purpose of achieving the freedom of Greece. The great object of the treaty of July, 1827 was, to settle the affairs of Greece, without the necessity of going to war; and looking to the union growing out of that treaty, and the feeling of common interest by which the three parties to it were bound together, he would venture to say, though Russia was at war with Turkey, partly on her own particular grounds, and partly on account of Greece, that they would not, but for the treaty of July, have had that declaration of fair and disinterested views on the part of Russia, which that power had sent forth, and on which he placed the most implicit reliance. With respect to Portugal, it was impossible for any man to look at the situation of that country without experiencing emotions which it was hardly within the power of language to express. Every thing which had previously occurred had led him to believe, that Don Miguel would carry into effect the arrangement to which he had agreed, and abide by the solemn oath which he had sworn. There was something in the course of tergiversation which Don Miguel had pursued totally inexplicable. He appeared to have no notion of what honour or a just consideration of that which was due to his brother and sovereign should have counselled him to adopt. There was something in his proceedings which he could not characterise without using language which it would be unpleasant for him to adopt. He fully admitted the importance of the connexion of Portugal with England; but he could not see, in the long run, how it depended on the nature of the government of that country.—The noble mover had stated, that this country was bound by ancient treaties to defend Portugal against foreign inroads, and also against the designs of domestic traitors. There might be such treaties, but certainly they had not been acted on. In 1820, when the absolute power of the monarch of Portugal was attacked, this country was not called on to protect the king of Portugal against his rebellious subjects. He was no great friend to revolutions generally, unless occasioned by crying grievances. The revolution of 1820 was, however, the worst of all revolutions, because it was effected by an army; and his great objection to such a revolution was, that, let the constitution established be ever so good, the army had it in their power to destroy that constitution when they pleased. So it was in Naples, with this difference, that the army there did not destroy the constitution, but they ran away, and would not defend it, which amounted to nearly the same thing. The military force, in 1820, overturned the Portuguese government; and the same military force, in a short time afterwards, established absolute power under this very Don Miguel. Now, when the military force overturned the constitution of Portugal, the event created a good deal of agitation in this country, and a disposition prevailed to see whether some assistance ought not to be sent to that country. Some persons maintained, that it was the duty of this country to assist, by a military force, those who remained true to the constitution. But government asked, "Where is the danger of Portugal from foreign powers? It is true that you are troubled with intestine commotions, and we are sorry for it; but we cannot assist you with a military force, except in case of foreign invasion. We cannot support the royalist party on the one hand, neither can we on the other assist the sovereign against those who are disposed to alter the institutions of the country." Then, when the constitution was sent over by the emperor Pedro from Brazil, this country did not interfere with those amongst the Portuguese who were not favourable to it. The noble lord seemed to think that this government was intimately connected with the formation of the constitution sent over from Brazil; but he declared, upon his honour, that they had no more to do with it than the emperor of China. Whether it were a wise or an unwise measure, he certainly thought it was a wise one, he thought the emperor Pedro was perfectly right, and that those who now opposed the constitution were wrong. Still, the government of this country had nothing to do with it, in any way whatever. Though this charter was altogether the spontaneous act of the sovereign,—though no attempt was made to force it improperly on the people,—still a number of persons thought it so objectionable a measure, that they set about removing it. On that occasion this government did not say—"We are placed in such a situation, that we must uphold this new constitution." The government did not stir until they received the most urgent statements as to the danger which threatened the constitution of Portugal from the machinations of Spain. Our interference then proceeded on the grounds of ancient alliance. The appeal of Portugal was acceded to, and troops were sent to that country. That step unquestionably tended to support the Portuguese constitution, and to give it a certain degree of stability; and he thought it was very likely, if the British troops had remained in Portugal, that the constitution would have been still in existence. Such a proceeding would, however, have been contrary to the principle on which the troops had been sent out; and therefore they were not allowed to remain there, when the necessity of the case appeared not to demand their presence. Now, he did not think it would be right, even for a moment, to depart from their original situation, with respect to Portugal. With regard to the position which this country retained in Europe, and which the noble mover thought was prejudiced by events that had recently taken place, he could not at all agree with the noble lord on that subject. Nothing had taken place to lower the honour, the dignity, or the power, of Great Britain, or to lessen that universal respect which all the nations of the world took good care to display towards her.

The Duke of *Wellington* said, that although he was perfectly satisfied with the answer given to the noble lord by the noble Secretary for the Foreign Department, and by the noble viscount, he could not allow the question to be put without troubling their lordships with a few observations. He did not blame the noble lord for bringing forward this motion; but he could not suffer his majesty's government to undergo censure, because they had not given occasion for a similar discussion. Ministers could only have given rise to such a discussion in two ways—either by coming down to parliament for a vote of credit, or by making a communication to parliament, if any particular event occurred which would oblige them to apply to the legislature to grant their aid, in support of the measures which it might be the policy of his majesty to adopt. But they had no occasion to take either the one step or the other. The noble lord had, he admitted, shown a sound discretion in refraining from bringing this subject before parliament at an earlier period; and he conceived that ministers had also manifested a sound discretion in not introducing the question, as they conceived it to be quite unnecessary to take such a step. What his majesty's ministers anxiously wished was, that when the transactions referred to were brought to a close, their lordships should ask for information; and he could assure them that the fullest information should then be laid before them. With respect to the proceedings now carrying on in the east, he must say, that during the time he had had any thing to do with the political affairs of this country, which extended over the last fourteen years, it had been the most anxious object of this government, and he would say of all Europe, to preserve peace between the Russian and Turkish empires. He said this in the hearing of those who could bear testimony to the truth of his statement, when he said, that not only this, but all the governments of Europe, were anxious to preserve peace between those powers. The noble lord had said, that the Russian government wished to bring Turkey under its despotic sway. Now, he was authorized by the minister of that power to say, that Russia did not desire the destruction of the Turkish empire, or even the dismemberment of it. He would say, that the transaction in which he (the duke) was particularly engaged, as well as the transaction of the sixth of July, was founded on an anxious desire to maintain peace between those empires. In the instructions which he had received, the preservation of peace was not only the great object specified, but it was, in point of fact, laid down as the *sine qua non* of any arrangement that might be entered into. He was absolutely forbidden to make any arrangements with respect to Greece, if measures of force or violence were the means by which that object was to be carried into execution. The noble lord said, "If that were the case, then we must have deceived the emperor." Why, the fact was, that the emperor saw the instructions; the instructions were shown to the emperor by himself; and it was there particularly laid down, that every exertion should be made to prevent hostilities. The noble lord next observed, that ministers were a set of drivellers, for thinking to carry into effect such an arrangement without force. Perhaps they might have been deceived on this point; but before their lordships came to a decision, they ought to see in what a situation Turkey and Greece were, when the mediation was proposed. They had been at war for six years. The Greek navy was supposed to be superior to that of Turkey; the Turks had been unsuccessful; Turkish army after Turkish army had been destroyed in the Morea, and that which was essential to the carrying on of war in that country, namely, a fleet, was not possessed by the Turks. In such a state of things, government naturally thought that there was some chance of mediating successfully between the two powers; and it was thought, above all, that the originator of the negotiation, Russia, aided by this country, might have secured a peace between Greece and Turkey. Peace was the object then; peace was the object of the treaty in July last; peace was the object when he and his colleagues came into the government in January, and to restore peace was the object at the present moment. It was with that view that ministers recommended to his majesty to hold the language which he had held to parliament at the commencement of this session. They had endeavoured most strenuously to realize the hopes held out in his majesty's speech; and if they had failed, it was owing to circumstances over which they had no control. Those circumstances happened six weeks before the speech of his majesty was delivered in parliament, and before the present ministers had come into office. The war in which the emperor of Russia had engaged since the meeting of parliament had made a material change in the affairs of the east, and must necessarily have had a great influence on the negotiation which was going on at the time. It must have interfered considerably with the object which that negotiation had in view;—namely, an arrangement between the Greeks and the Turks.—Having said so much on this point, he would now advert to the other subject to which the noble lord had alluded. On the last occasion on which any thing was addressed to parliament relative to this subject by his majesty's government, a British force was in possession of Lisbon. It was settled very properly, that that force was to come away the moment the Prince Regent arrived in that country. The Prince Regent had made arrangements in Vienna before he quitted that city, arrangements to which this country was not a party, but which were entered into in the presence of the British Ambassador. He had subsequently subscribed to arrangements in this country, as he was passing through it on his way to Portugal, to which we were more immediately parties. He entirely agreed with his noble friend in thinking it to be a most extraordinary thing, that the Prince Regent had not acted up to those arrangements. It was, indeed, most extraordinary that when he arrived in Portugal he should have broken all those arrangements which he had entered into, with reference to his sovereign and his brother, or to those allies before whom he had made them. It was, however, certainly true, that in a few days after his arrival in Portugal, he manifested symptoms of his intention to break through those arrangements; and the very instant that intention appeared, the British Ambassador at Lisbon did that which alone he could do to show the feelings of his government,—he at once sent away the means which otherwise the Prince Regent would have had, to carry more speedily and more securely into execution the intentions which he harboured. The British Ambassador sent away the money which had been procured, by the assistance of his majesty's government for the use of the Prince Regent. The only measure, therefore, that could be adopted, under all the circumstances, was adopted at once. Besides this, an intention existed to leave the British troops for a short time in Portugal, before the Prince Regent manifested his determination to overturn the institutions of his country which he was called on to support, in order that he might have the appearance of receiving the countenance of the British government. But the moment his conduct was known, those troops were re-called. When, at length, the Prince Regent threw off his disguise, and declared his intention of assuming the crown of his brother, and of taking the title of king, the diplomatic relations between this country and Portugal were immediately broken off, and the British Ambassador left Lisbon. Prior to that, however, every thing was done that could possibly be done to show how much the conduct of the Prince Regent was disapproved of by his majesty's government.—The noble lord had alluded to the blockade of Oporto, and had complained, that that blockade was admitted and notified by the British government. The truth was, that as soon as it was ascertained that the blockade existed, it was found necessary for this country to respect it, in accordance with all former precedents, and with the practice which had been uniformly pursued by this country in such cases. It was sufficient for the government that the blockade existed, and that its existence was notified to it, to call for its respect. It was true that this blockade had not been notified to his majesty's government, in the way in which blockades generally were notified. But the truth was, that owing to the suspension of our diplomatic relations with Portugal, this blockade could not be made known to his majesty's government by a regular notification. They found, however, that it was notified in the *Lisbon Gazette*, and they ascertained, that such notification had been deemed sufficient in similar cases; and under such circumstances they considered it the duty of this country to respect a blockade so notified. It was true that there had been since an irregularity in the maintenance of this blockade, and that some ships had come out of, and had gone into the Douro. But as far as the government was concerned, the transaction was a regular one, and not only in that transaction, but in all others with which they had been connected, they did their utmost to carry them into execution. No man could regret more than he did, the situation into which Portugal had been brought,—no man could feel more strongly the advantages resulting from our alliance with Portugal. At the same time he must say that, having looked into all the treaties, and having considered all the transactions which had taken place between the two countries under those treaties in former times, as well as in recent times, and particularly within the last thirty years, he would say that we had no right to take any part in the internal measures of the Portuguese government. Even within the last six years he could instance occasions, on which the most pointed refusal had been given by this country to guarantee a constitution to Portugal, or to interpose its aid in supporting a constitution there, or to have any thing to do with the internal concerns of the kingdom of Portugal. Our situation at present was this—that having recognized the sovereignty of Don Pedro, and subsequently the sovereignty of his daughter, with which she had been invested by her father's abdication and concession, at the same time we had no right to interfere in the transactions at present in progress in Portugal. We did not know as yet, under what circumstances the emperor of Brazil might choose to assert his own right or that of his daughter, to the crown of Portugal; we were not aware of the line of conduct which he might determine to adopt, and which might, in a great degree, govern that to be pursued by his majesty's government. Having clearly no right to interfere in the internal concerns of Portugal, they should wait to see what line Don Pedro would take. He could assure their lordships that while his majesty's government refrained from producing these documents at the present moment, conceiving that it would be improper to do so, whenever a proper time arrived for their production, there would be no objection on their part to afford every information which might be required upon the subject.

The Earl of *Dudley* said, that having lately filled the office of Secretary of State for Foreign Affairs, he was desirous to state his sentiments on this subject. He would say, that he was entirely satisfied with the grounds upon which his noble friend had resisted the production of the papers asked for. Some of the documents to which the motion referred were already before the public, and others related to transactions at present in progress, and the production of which would be improper, at the present moment. There was one single point in the speech of the noble mover, upon which he wished to offer a remark. His noble friend did not appear to be altogether satisfied with what had been done by government, towards the preservation of the constitution in Portugal. He believed the opinion of his noble friend would be much altered, whenever the documents could be produced, which had reference to that transaction. He would then see, that every thing had been done which could be effected by the moral and political influence of this country, towards the maintenance of the constitution in Portugal. It was under the influence and advice of this country, that Don Miguel was induced to enter into those engagements which he had made, and which had been proposed by the government of this country, with the expectation and the hope that, as a prince and a gentleman, he would have felt himself bound to adhere to them. That attempt had been made in vain; but its failure was solely attributable to the conduct of Don Miguel, who had violated all the engagements which he had promised to observe when he arrived in

Portugal. Every thing, in fact, short of force had been employed by this country to preserve the constitution in Portugal. His majesty's government did not consider themselves authorised to employ force for that purpose. If they had a right to resort to force, there was no doubt that with the aid of some five thousand or ten thousand troops, any sort of a free constitution might have been imposed upon the people of Portugal. But it did not appear to him, that the employment of military force was a good way for establishing a free constitution. The only mode which was open to this country for supporting the free constitution of Portugal, consisted in the exercise of its moral and political influence. That influence was completely and entirely employed by this country for that purpose, and if it was exercised in vain, that was not our fault. The documents, whenever they were produced, would prove the truth of what he asserted; and he would venture to say, that as far as related to that portion of these transactions with which he had been connected, whenever the circumstances were disclosed, it would be found that every thing short of force had been employed by this country to preserve the constitution in Portugal.

The Marquis of *Lansdowne* said, he felt himself bound to thank his noble friend for having brought the subject before their lordships, because it had drawn forth declarations which shewed that the government felt no indifference on the important topics referred to, and that they deemed it their duty to give the explanations required, as soon as they could be given consistently with prudence and expediency. After that declaration of the king's advisers, he thought it was not necessary for his noble friend to press his motion. The noble marquis then recapitulated the various points dwelt upon in the debate, contending, that the change in the situation of Europe effected by the conflict in which Russia had engaged with Turkey, was one which might by possibility demand the interference of this country.—With respect to Portugal, the separation of that country from the empire of the Brazils had been with the concurrence of Great Britain, and under circumstances which procured to this country the ascendancy which she had beneficially exercised, in Portugal for so many years. He agreed with his noble friend, that the principle on which our troops had been sent to Portugal, was that of non-interference in the political affairs of that country; and that the same principle should prevent our interference at present. The noble duke had observed upon the forbearance of noble lords, in having abstained from demanding explanations on those important subjects earlier; but he ought to have given them credit for having so refrained, lest some disclosures should be incidentally made, that would have the effect of filling men's minds with apprehension. He thought his noble friend had been fully justified in bringing forward his motion; at the same time he was of opinion, that the subject ought not to go further at present.

Viscount *Strangford* said, that two or three times during the session the noble mover had done him the honour of repeating an opinion of his, regarding the fidelity of the Turks, and the sincerity evinced by the Turkish government in keeping their verbal promises. He was not surprised that he had been misunderstood, in this instance, by the noble baron; indeed, he should have been more surprised if any thing that had fallen from so humble an individual should have been accurately recollected by that noble lord. He had never said or asserted that there existed any verbal treaty, or any other engagement which was considered as stronger than a written one, between this country and Turkey. What he said was this—that promises made three hundred years ago by the Turks, and which were now mere traditions, had been as faithfully observed by them as the most binding obligations of a written treaty. He had known other governments, who did not adhere half so faithfully to solemn, recent, and written treaties; and he trusted that the day would soon come when this House and the country would be taught by experience to entertain a similar opinion with him of those calumniated Turks, upon whom it pleased the noble lord to pour the vials of his wrath. The noble lord had alluded to an anecdote, as to a transaction which had taken place between M. Minziacki and the Reis Effendi. He knew nothing of that transaction, as he was not present when it was said to have occurred; but it would be most gratifying to him, if every document illustrative of his diplomatic intercourse with the Reis Effendi were laid on the table of that House. He felt no fear or shame, as to any thing that he had done, or written, or said, while acting as ambassador at Constantinople.

Lord *Holland* said, that as the noble duke considered it his duty to resist his motion, he felt it necessary to persist in it; as he thought it would have a bad appearance in the eyes of the public and the world, if that House seemed indifferent on the subject of the great events which were passing on the theatre of Europe.

The motion was put, and negatived.

PROTESTS CONCERNING GREECE AND PORTUGAL.] The following Protests were entered on the Journal by lord Holland.:

"Dissentient;—1. Because—When the national faith is engaged in the prosecution of so important an object as the pacification of a Christian and European country, it is not usual to withhold from parliament for any long space of time, all communication of the issue or progress of his majesty's efforts to attain that object, without some explanation of the circumstances which retard such communication, or render it unseasonable and impolitic.

2. "Because — The governments of Russia and France have explained to their subjects and Europe, not only their views of the obligations contracted, and the objects proposed by the treaty of the 6th of July, 1827, but the degree, extent, and manner in which such views have been affected by the new situation, in which subsequent events, and a change in their relations to one another, or to the Ottoman Porte, have placed them respectively. And it seems to me that a public avowal of a corresponding feeling in his majesty's government is required, if not to maintain the honour of his crown, and to preserve entire the confidence of his allies, at least to promote the just and benevolent design announced in the Protocol and Treaty of rescuing the Greeks from the consequences of a protracted and barbarous warfare, by permanently separating them from the Turks, and securing to them, though tributary to the Ottoman Porte, the nomination of their own rulers, the administration of their internal affairs, and the full enjoyment of freedom of trade and liberty of conscience.

3. "Because—As the neglect on the part of Great Britain of the obligations contracted by the Treaty of the 6th of July 1827, would be equally derogatory to the honour, and injurious to the interests of the Crown, so the appearance of any such change of policy in our councils, would tend to impair the influence of his majesty's name in foreign countries, to loosen the bonds of union and alliance so happily established between Great Britain, France, and Russia, and thereby to cloud the prospect of permanent peace, which the cordial concurrence of those three great powers, in such just and benevolent views as secure the approbation of mankind, hold out to Europe and the world."

"Dissentient;—1. Because—The late revolution in Portugal, so inauspicious to the maintenance of our ancient relations and close connection with that country, appears to have been begun in the presence, and effected on the removal, of his majesty's military forces. And that just and natural interest which the parliament of Great Britain has ever taken in the safety, independence, and welfare of his majesty's oldest ally, seems to entitle this House to some information respecting the nature of the obligations which subsisted between his majesty and the persons who have assumed the regal authority in that kingdom; as well as of such claims or remonstrances as the emperor of the Brazils, or his daughter the queen Maria da Gloria, may have communicated to his majesty in consequence of the recent usurpation of their title or authority in Portugal.

2. "Because—the rejection of a motion for information respecting Portugal in the present circumstances of that kingdom, implies an indifference in parliament to the state of our relations with foreign powers, and such indifference appears to me at all times as little calculated to avert the necessity of war, as it is obviously ill suited to maintain the national dignity, or to raise the honour of his majesty's Crown during peace. V. HOLLAND."

HOUSE OF COMMONS.

Wednesday, July 16.

CUSTOMS BILL.] On the order of the day, for the third reading of this bill,

Mr. *P. Thompson* said, he should move the same amendment which he had twice brought under the consideration of the Committee; namely, that the Duty on all Silk Goods imported into this country from India, after October 10, might not exceed thirty per cent.

Mr. *Lester* opposed the third reading of the bill; as he considered it would materially affect our Indian possessions, and compromise the character of the House.

Mr. *Hume* supported the amendment, and insisted on the pledge already given by government to the same effect.

Mr. *Hobhouse* was anxious that the amendment should be carried, and thought that ministers ought to be still more so, for the sake of their own consistency;—as they had sanctioned the principle.

Mr. *Maberly* said, the Vice-president of the Board of Trade had certainly led the House to understand, that he would continue in the steps of his predecessor. If his meaning had been mistaken, he should be glad if the right hon. gentleman would explain what his principles were.

Mr. *Fergusson* adverted to the injury which the East-India trade would sustain from this measure; the principle of which no member of the government had attempted to justify. The House had received a distinct pledge, when the former act was passed, that it was of a temporary nature, and would be suffered to expire. The hon. gentleman dwelt on the injury which the manufacturing interest in India would sustain, if the present system should be persevered in, and urged the expediency of acceding to the amendment.

Mr. *Wynn* said, he had not heard a single argument against the amendment. Such an alteration in the bill was called for by the interests of the country.

Mr. *C. Grant* said, he should vote with ministers on this question, as they had made a concession to him, which would considerably shorten the duration of the higher duty.

The House divided on Mr. P. Thompson's amendment: Ayes 31; Noes 48. The bill was then read a third time.

HOUSE OF LORDS.

Thursday, July 17.

Corporate Funds Bill.] Lord *Goderich*, before he proposed the second reading of this bill, thought it right to explain the objects of the bill, and the grounds on which he conceived it ought to be read a second time. The different Corporations of the country were in possession of Funds, which were applicable to some specific purposes; some of those purposes were charitable, and others related to the police and local administration of the town. But besides the property which was so appropriated, corporations possessed another species of property, the application of which was not definite. Any misapplication of the former species of property might be remedied by an application to a court of law; for the corporation was amenable to law if it were misapplied. But, with regard to the latter species of property, having no definite application, he was assured, and he believed correctly, that there was no object to which such funds might not be legally applied. It might be supposed, that those who placed such funds at the disposal of corporations, intended them to benefit the town, or to be applied to some purpose connected with the interests of the corporation; but, if what was stated as to the law was true, they might be applied to any purpose, wholly distinct from purposes connected with the corporation It was competent, by the law, when any corporation possessed funds not definitely appropriated, for the members to apply it to their own exclusive benefit. They might deal with it so as not to transmit any of it to their successors; they might gamble in the funds with it; or form joint-stock companies; or apply it to any other purpose that had no reference whatever to the purposes for which it might originally have been appropriated. If any body were to tell those who had given such funds to a corporation, that they had been employed to speculate in members of parliament, they would think the corporation ought not to be intrusted with any such power. If they were at liberty to apply the funds to the purposes of a contested election, when no such purposes were contemplated by the individuals who placed those funds at the disposal of the corporation, it was, in his opinion, inconsistent with the freedom and purity of election, and a corrupt mode of returning members to parliament. If there were a power of applying funds in such a manner, it was high time that power should be restrained. He would not deal with that power on the mere possibility that it might be so abused; but the grounds on which he should recommend the bill to their lordships' notice was, that the money of corporations had been so applied, and in a most extraordinary manner. The first case he would mention, was that of the Corporation of Northampton, which had advanced 1000*l.* to secure the return of a member of parliament. He did not think that case alone would constitute a ground for parliamentary interference; but there was another case of much greater importance—that of the Corporation of Leicester. The funds of that corporation had been applied without disguise. At the last general election the corporation took a great interest in the election of the borough, and to further the views of the candidate they favoured, they incurred an expense which would surprise their lordships. It was not 1,000*l.* or 2,000*l.*, or 5,000*l.* or 10,000*l.*, but 27,000*l.* that had been expended on a contested election. If the corporation was at liberty to expend 27,000*l.*, he did not know why it might not expend 227,000*l.*, or employ its whole funds; which would be the most formidable weapon that could be used against purity of election. If it were fit that a corporation should so apply the funds to carry on the election of a town, they might apply them to the election of a county, and expend twenty or thirty thousand pounds in contesting it. The corporations might go a step further; two or three of them might unite, and form a joint-stock purse; and there could be no limit set to their operations, if there were no right to interfere. He did not say it was probable that corporations would employ their funds in this manner; but if one employed 1,000*l.*, and another 27,000*l.*, he could not tell to what extent they might carry their assumed rights; for they were assumed, and contrary to the principle of common sense and the practice of the constitution. On this ground he recommended the bill to their lordships.

The *Lord Chancellor* said, he had looked at the bill, and felt it his duty to oppose the second reading. He must express his surprise that his noble friend should have moved it, for when a bill of a similar character was brought in last session, which he also thought it his duty to oppose, he thought it had been opposed by his noble friend. He had opposed that bill, as a member of his majesty's government, and had thought it his duty to do so. His noble friend had not, in supporting the bill, fallen into the mistake of those who had supported it in another place, who seemed to suppose that corporations held their property differently from individuals. Corporations were situated precisely the same as individuals: they held some property in trust, as individuals held property in trust and if they abused the trust, they were amenable to courts of justice for their errors or offences. They also held property not in trust; and over such property the corporation exercised the same right as individuals did over their property. There was no difference known to the law. If any gentleman had voted for the measure under this notion, he had voted for it under a mistaken view of the law. He would repeat, that there was no difference whatever between the law as applied to corporations and to individuals, with regard to the property they possessed and held in trust. His noble friend had supported the bill, on the alleged misconduct of the corporation of Leicester. Last session the imputation was against Northampton; this year it was against Leicester, and he had no doubt that the imputation against the corporation of Leicester, when inquired into would be found, like the case of Northampton, not to be supported. It was necessary, in speaking upon this subject, to distinguish between the corporation and the corporation party. At the last election, the corporation party resolved to support sir Charles Hastings. He was opposed by Mr. Evans, and he believed by Mr. Denman. The corporation party then resolved to support Mr. Otway Cave, on condition that he and sir Charles Hastings should defray the expenses of the election to a certain extent, and not allow them to fall on the corporation. To this the candidates consented, and they had received the support of the corporation. Sir Charles Hastings had paid his share; but in consequence of the default of Mr. Otway Cave—he did not use the word default as giving judgment against Mr. Cave—but in consequence of Mr. Cave not choosing to pay his share of the expenses, a large burthen had been thrown on the corporation party. He did not know that it would be defrayed by the corporation, but the corporation party's candidates were liable for the amount. The corporation might indemnify them; but if, in doing so, it misapplied the funds, redress might be obtained in a court of law. He knew the corporation of Leicester, and he was sure that if any improper application had taken place, complaints would be made in a court of justice. He did not think it was correct to say, that corporations should not influence elections. They ought to have some weight and influence in elections. Why should they not have influence over elections, as well as a peer or a wealthy commoner? If the corporation misapplied its influence, it was amenable to the law. At Leicester, the great expense was occasioned by bringing the out-voters down to the election. It had cost Mr. Evans 20,000*l.*, and the corporation had expended 27,000*l.* If their lordships looked at the conduct of the different boroughs of the country, they would find, that those in which the independent interest, as it was called, predominated, and not those in which the corporations predominated, were the most corrupt. If corporations were not allowed to apply their own funds and influence in this way, they would have recourse to some wealthy individual; and it would be his influence which would secure the return, and not that of the corporation. He thought there was no grounds for interference, and that the measure would be injurious. He had opposed the bill of last session on similar grounds, and he was surprised that his noble friend, of all men, should have moved the second reading.

The Earl of *Rosslyn* thought the learned lord had mistaken the use of the word influence. No one had contended, that the corporation should not exert an influence in the elections, arising from their authority, in the place where they resided: but to employ their funds for the purposes of an election, did not seem to him to be proper. If a corporation might expend 27,000*l.*, it might charge a debt on its successors. All funds intrusted to a corporation were intended for the benefit of the inhabitants; and any application of the funds, different from that, could not be proper.

Lord *Eldon* said, he did not mean to vote against this bill because he had voted against the bill of last year, but because he thought it was against the principles of the constitution. No man could doubt, at least no lawyer could doubt, what the law was on the subject. The right of corporations to property which they did not hold in trust, was the same as the right of individuals to private property. He knew this was law in Westminster Hall forty years ago, and he believed it was so to this day. Corporations had a right to dispose of the property they held, not in trust, to any purposes that were legal and not corrupt. The present bill, like the bill of last year, did not purpose to put a stop to any corrupt or illegal practices, but to take a right from all corporations which they had always exercised. If it were carried, every application of corporation funds, such as buying pictures, or giving a Lord Mayor's dinner, would be illegal. He was sure their lordships would hesitate before they passed a bill, which did not correct an individual abuse, but took from corporations those rights which they held, both by the principles of the law and the constitution.

Lord *Calthorpe* said, that the learned lords who had just addressed the House had not made a proper distinction between the acts of an individual and those of a corporate body. It was well known, that a corporate body in which there was a divided responsibility, would do many acts, on which no individual among them would venture, if left to act by himself. If the principle laid down, of allowing corporations to dispose of their funds, for a purpose not having immediate reference to their charter were acceded to, it would be difficult to know where to draw the line. Their lordships had abundant evidence to prove the disposition to abuse, and they would not, in his opinion, be justified in rejecting this bill.

The Earl of *Carnarvon* said, that the question was, whether such an application of Corporate funds as was here mentioned was contemplated by the donors of corporate property. If it was, then their lordships were right in rejecting this bill; but if they considered such an application an abuse, they were bound to pass it. The learned lord had said, that an abuse by one corporation was not a justification of such a measure as this bill; but if one corporation did abuse its trust, it would be a good ground for passing a measure which would prevent similar abuses in other corporations. He was therefore in favour of the bill; and for this additional reason,—that if some such measure did not pass, it would, where there happened to be divided interests in the corporation, give to one party, the majority, by a power of diverting to extraneous purposes, funds which were intended for the benefit of all. The mayor of all boroughs was the returning officer at elections. He was bound by his oath to strict impartiality between the candidates; and yet, by that rule, he might give his casting vote for the application of the funds of the corporation, in aid of the interests of the one candidate in preference to the other. He was convinced that there could not be a more improper application of Corporate funds; and he should therefore vote for the bill.

Lord *Goderich* wished to correct a mistake into which the lord Chancellor had fallen with respect to Mr. Otway Cave. That gentleman had made no agreement with the corporation of Leicester, or with any party, to pay part of the expenses. An arrangement was made by others, which was to be kept from the two candidates, and that gentleman had heard nothing of it, nor did he suspect it until that corporation made a demand on him for several thousand pounds, which he very properly resisted.

The *Lord Chancellor* said, he had not meant to cast any imputation on Mr. Otway Cave.

Their lordships then divided on the amendment; Content 41; Not Content 10; Majority against the bill 31.

HOUSE OF COMMONS.

Thursday, July 17.

PREROGATIVE COURT OF CANTERBURY —CONDUCT OF SIR JOHN NICHOLL.] Mr. *Hume*, in presenting the petition relative to the proceedings in the Prerogative Court and the conduct of sir John Nicholl, observed, that in order to the better understanding of the complaint, he should state shortly the outlines of the transactions that had given rise to it. In 1821, a person of the name of Evans died possessed of property to the value of 1,700*l.* or 1,800*l.*; and unfortunately left two wills; one in favour of a niece, and the other in favour of an adopted daughter. Administration was granted to one of the parties named Evans, who claimed under one of the wills, and took out letters of administration, and obtained a probate in December 1821. The present petitioner, Peddle, was induced to institute proceedings in Doctors' Commons on behalf of his wife, as the legal heiress to the testator, and applied for the purpose of obtaining a probate. He now complained, that a most expensive litigation had been continued for four years and a half, the costs of which were entirely disproportionate to the amount of the contested property. The property in question was about 1,700*l.* or 1,800*l.*, and 2,500*l.* had been drawn from the pockets of the parties in seeking to have the possession of that property finally adjudicated. A court which sanctioned expenses so enormous, must be a public nuisance, seeing that it rendered difficult of attainment that justice which ought to be as cheap and as accessible as possible. Mr. Peddle commenced his suit in December, 1821, and in 1824, judgment was pronounced against him, confirming the probate obtained by the adverse party. But it was a singular circumstance, that costs were not given to the person who opposed the petitioner. The expense of this proceeding on the part of Mr. Peddle, amounted to between 600*l.* and 700*l.* The petitioner was induced, by the representations of his Proctor (Mr. Toller) who stated his decided opinion that the decision against him involved an unjust and corrupt judgment, to commence an appeal to the High Court of Delegates. He was confirmed in his determination to adopt this course by the offer of Mr. Toller to charge nothing for his services, but to content himself with the payment of expenses out of pocket (which he stated could not exceed 200*l.*) if the judgment appealed against were not reversed. The appeal was commenced in July, 1824, and came on to be heard in May, 1826; and the result was, that the previous decision was confirmed, but without costs against the appellant. In June, 1826, Mr. Toller brought in his bill of costs to the petitioner, to the amount of 640*l.* At the same time he sent him a letter stating that his opinion of the merits of the case remained unaltered. The hon. member here alluded to the observations which Dr. Lushington had made on Tuesday night, respecting the petitioner's attorney, Mr. Walker. The learned gentleman had said, that Mr. Walker was a pettifogging attorney, who had been convicted of perjury and attempted extortion. Mr. Walker was not at present in London, but he had no doubt he would arrive to-morrow, in order to answer the charge. Upon this point he had received a letter from a barrister, assuring him, that Mr. Walker was a most respectable man; and that a short time since his professional brethren in Bristol had presented him with a piece of plate worth 100*l.*, for having succeeded in getting struck off the rolls two attornies who had infested that city. It therefore appeared to him, that the learned member had unnecessarily aspersed the character of Mr. Walker.—Mr. Toller's bill of costs, for the original suit, was 687*l*., and that for the appeal was 384*l*. making altogether 1,071*l*. The adverse party had to pay costs amounting to 1,600*l*., which left her only a surplus of about 200*l*. out of the property. On looking over the petitioner's bill of costs, he found that the learned gentleman below him had been rather singularly circumstanced with respect to this cause. He had been retained for the petitioner, and after going on to the end of 1821, he discovered that he was retained for the opposite party. He therefore considered that, in this question, the hon. and learned gentleman should not be attended to as a man perfectly disinterested. He was not free from the abuses of the court. He must be hostile to the petitioner, because he was engaged for the hostile party in the suit. The petitioner, when he received Mr. Toller's bill of costs for the appeal, applied to that gentleman for particulars of the account. He refused to furnish them; in consequence of which the petitioner applied to have the bill taxed. The officer, whose duty it was to tax the costs, informed the petitioner, that his presence would be necessary. The petitioner said he knew nothing of the subject, and requested that his attorney, Mr. Walker, might be allowed to appear for him. The officer refused this request, on the ground that it was contrary to the practice of Doctors' Commons. The petitioner then gave notice of a motion, praying that Mr. Walker might be allowed to be present at the taxing of the costs, as his friend or attorney. The motion came on for hearing on the first of July last. Sir John Nicholl asked Mr. Toller, whether he had said, that his former decision was corrupt. Mr. Toller replied, that the allegation was untrue. The judge then refused to allow the affidavits of the petitioner and Mr. Walker to be read; on the ground, that they contained a libel on a person connected with the court, thus attaching more weight to the simple statement of Mr. Toller than to the oaths of two other persons. Dr. Lee, the petitioner's counsel, argued that the petitioner had a right to appear at the taxing of the costs, by friend or attorney. The judge, however, decided otherwise. The petitioner asked for a table of fees. He was told, there was none. It was evident that without such a table it was impossible for him to ascertain whether the charges in the bill were correct. The affidavits of the petitioner and Mr. Walker stated, that the canons of the court required that such a table should be kept. Here the hon. member read several extracts from the rules of the court, to support the assertion of those individuals. Agreeably to the 136th canon, an application was made to the court for suspending the proctor, and it was met by the learned judge by an observation, that he would not suffer himself to be interrupted in the execution of his duty on the judgment seat. In order to be prepared for the results which were apprehended, the petitioner asked the short-hand writer on this occasion, to be very particular in taking down every word of the proceedings on the case. And the short-hand writer appearing before another of the judges of the Consistorial Court, Dr. Adams, in order to be sworn, that learned judge stopped him short by observing, "I can't swear you in this instance, because there is no cause before the court." Here was a manifest injustice done to the petitioner; for the court did not hesitate to receive as authentic the mere statement of Mr. Toller, a proctor in the court, although he would not receive as authentic, or under any circumstances, the deliberately collected evidence of the short-hand writer in the cause. At the opening of the court, Dr. Lee rose and addressed the learned judge, sir John Nicholl; who stopped him by observing, that he would not be interrupted by any allusion to the case of "Peddle and Evans," which was not in fact before the court; and therefore the application now relative to the taxing of costs in this instance was, on the part of the proctor, altogether irregular. Now, with submission to the opinion of that learned judge, he must conceive, that any cause must be considered in the Prerogative court, as well as in any other, to be before the court, as long as it was unfinished. In consequence of this *dictum* of the judge, Dr. Lee was not allowed to make a single observation. In allusion to the affidavit which accompanied this application, the learned judge, sir John Nicholl, remarked, "I will not allow this affidavit to be read, as I did before. A proctor is not warranted in making such an application as this, because some dissatisfied suitor chooses irregularly to complain of the proceedings in this court. He owes a duty to the court, as well as to the suitor; and I will not allow any matter now to be exhibited in this irregular way, accusatory, or rather criminatory, of the conduct of the officers of this court." A second affidavit was exhibited, which was not at all criminatory, but only contained facts; but this affidavit met with the same refusal. In that court, perhaps, it might be the practice, and quite consistent, to use the description of intimidatory language adopted by the learned judge towards the petitioner: and it appeared the judge intimated, that should the proctor in this case not be prudent enough to avail himself of the hint conveyed by this intimidation, he would proceed to the summary practice of suspending him from the performance of his official duties. This was any thing but impartiality between the parties: and there could be no doubt that either were equally entitled to be allowed the inspection of these tables of fees, under the orders of the court, of a date so long preceding this transaction. The learned judge informed the court, moreover, that this application to displace the principal registrar and his deputies was so *ex-parte*, and irregular, that malice might be inferred towards those officers. Every motion, it was true, might be considered, and in fact was, *ex-parte*, whilst affidavits were exhibited only on one part. The judge, considering this was a departure from the practice which would authorize him in proceeding to extremities, when Dr. Lee again attempted to address him, exclaimed, "Officers of the court, are you prepared to enforce my authority and that of the court? Proceed," said he, "with the first cause. I desire that Dr. Lee sit down, or walk out, or that such force should be made use of towards him, as would be necessary to remove him from court." On this occasion, too, as if to strengthen the hands of the judge, one of the registrars called out, "I pray the court, in the name of its officers, to assert itself and protect its dignity." It appeared that Mr. George Jenner was registrar of the court of Arches, held three other offices in the court, and transacted a large business in the capacity of Proctor, in the house of Jenner, Bush, and Jenner. This gentleman, with Mr. Dynely, and another registrar, in fact, sat in judgment, to decide upon the quantum, and tax his own costs. Was it extraordinary that suspicion should be excited under such circumstances? Dr. Lee had only begged that certain orders which had been issued should be hung up in a conspicuous situation in the court, and the Proctor's-office, so as to enable their clients to see what was fairly due on account of costs. The application that these should be affixed in the proper offices was wittingly refused by the learned judge—a fact which brought the complaint fully home to sir John Nicholl, whose decision in 1823 against an individual for receiving fees without authority, was on record. Dr. Lee's memorial was presented in February, 1828, before the case of the petitioner was before the court, so that when that case came on, sir J. Nicholl could not plead ignorance upon the subject. After the lapse of four months, sir J. Nicholl stated, that he had consulted several gentlemen of the bar, and had decided that it was not necessary to take any notice of Dr. Lee's memorial. A similar petition was presented to Dr. Lushington, judge of the Bishop of London's Court, on the 9th of July, and on the following day he said, that he declined making any order, and should follow the line of conduct sir J. Nicholl had pursued in the court of Arches. Thus there was great reason to complain of the conduct of both judges in respect of the table of fees, and the time seemed come, when an inquiry ought to be instituted into the proceedings and constitution of the courts in Doctors' Commons.

Dr. *Lushington* said, he was confident the House would extend its indulgence to him, when it recollected, that to him was committed the justification of a learned judge not present, who had long been a member of that House, had belonged to the profession of which he was an ornament for between forty and fifty years, and after filling the office of king's advocate, had, for nearly twenty years, been judge of the Prerogative Court of Canterbury. In the first place, he wished to be permitted to account for the absence of the distinguished individual, at whose conduct the petition chiefly aimed. To the astonishment of that right hon. judge, he first saw in the notices of Friday last, a notice for the Tuesday following, in which he was denounced by name as a public delinquent. For what reason all fairness and delicacy of feeling had been disregarded in this case, he was at a loss to know. To the liberality of the hon. member for Montrose, the right hon. judge certainly owed nothing; but above all, it was extraordinary that the hon. member should so denounce a party, hitherto without reproach, before he had even read the documents on which so serious an accusation was founded. Had the conduct of the right hon. judge been liable to imputation, and had he even expected that the charge would be preferred in the way in which it had been brought forward, still it was not the ordinary course for the member who had undertaken the case to come down on the day he had appointed, and then avow that he was not prepared to go into the subject, because he had not had time to consider whether the accusation was or was not well-founded. On that day the House had certainly manifested its sense of the treatment the judge had received, by not requiring that he should attend to rebut the charge. Sure he was, that, although the right hon. judge owed much to the House, he was not indebted to the hon. member for Montrose for the uncourteous and unceremonious manner in which he had entered the notice on the proceedings of the House, and afterwards postponed the statement of the case set out in the petition. If a judge did not perform his duty, there were higher tribunals to which a suitor might appeal; but what he protested against was, that suitors should seek to bring forward their cases for discussion here, whilst there were courts of ulterior jurisdiction provided by the wisdom of the laws. It was not fair or proper that such cases should be adduced, and treated by persons ignorant of the proceedings and forms of law. What would be the consequence if appeals were constantly made to that House from the decisions of the court of King's-bench? He did not say that judges should not be made amenable to the country for misconduct; but he did not think that, where opportunities for appeal were afforded in other courts, appeals should be made to that House. With respect to the complaint of the amount in issue being exceeded by the costs, he could only say, that it was impossible to observe a proportion between the amount in litigation and the amount of costs in seeking to recover it. The hon. and learned gentleman proceeded to eulogise the zeal and industry of the right hon. judge of the Prerogative Court, in whose court, he could speak from experience, there were no arrears, but that all the cases were disposed of at furthest within a month or six weeks of the time which they were set down for hearing. He had spoken, on the former night, in strong terms of Mr. Walker; nor would he now retract one expression he had used. His statement was, that Mr. Walker had improperly conducted himself, and had sworn to what was not true. In corroboration of these charges, he could produce a letter of Mr. Walker's, dated the 5th of May, 1823, in which he complained, that the burthen of the costs would fall on him, the party not being able to discharge them, and that he had already advanced 150*l.* He could also produce an affidavit by the same individual, in which he swore, that he was wholly disinterested, and not at all responsible for the costs. The member for Colchester had just whispered in his ear, that all that was meant in the affidavit was, that Mr. Walker was not legally responsible. He hoped to God no man would be permitted to take advantage of such a subterfuge as that just now suggested by the hon. member for Colchester; and if an attorney or solicitor should make such an attempt, he hoped the party would be visited with the indignation of the court. In the first instance, the petitioner employed Toller and Son as his proctors; he remained silent for seventeen months, and it was not a little remarkable that the next person he applied to was the only one who had been suspended three times, once by lord Stowell and twice by sir John Nicholl, the name of that person was Mr. William Geering Clarkson. The advocate he employed was Dr. Lee, who had been practising in that court for twelve years, conducting himself in such a manner, that the only excuse that could be made for his extraordinary conduct towards the court and the bar was the very great doubts entertained respecting his sanity. For twelve years he had been silent, unless when he thought proper to intrude his eloquence upon the court—and that was the person selected to be the *Dux facti* upon this occasion. The motion of Dr. Lee, of which the House had heard so much, was for the suspension of the registrar and the three deputy registrars, and he was heard in support of it for nearly three hours by sir John Nicholl, who pronounced it a most unheard of proceeding to introduce a motion which had nothing whatever to do with the suit before the court, and that even if he were entitled at all, the parties must be brought before the court, previous to the hearing of such motion. It was rather hard that those gentlemen should be so brought forward, for no other reason than their not having exhibited a table of fees. Now in reference to this, he would just remark, that in 1597 a table of fees was drawn up by the archbishop of Canterbury. Subsequently, in 1734, under an inquisition issuing from the Crown, these fees were regulated; and upon the regulations that then took place, no increase, except of 6*d*. in a single instance, had taken place. When Dr. Lee required the table of fees to be exhibited, he was presented with the report of the commissioners, in which the fees of the officers were given; but with this he was not satisfied. If what he required was a table of the proctors' fees, at no time had there been such a table. Yet he came forward and swore that he was deprived of the advantage of being permitted to see the table of fees when he taxed the bill. An affidavit of this description deserved the most severe animadversion. The next passage of it charged the registrars with taxing their own bills. Now, before such a charge was preferred, there should have been some evidence in support of it. The practice was, that the registrars never taxed their own bills; but always referred them to the other registrars, who had no interest in them. The registrar had no power to decide any disputed item; it must come before the court, to be there decided; and even then the determination of the court could not enforce payment; for the money was not recoverable at last but by an action at law. It was impossible that stronger checks could be placed upon abuse.—The last complaint was, that proctors were appointed to the office of registrar; but this had been the practice beyond the memory of man; and it was indispensably necessary that they should be persons acquainted with the business of the court.—He submitted, that the right hon. Judge, in refusing to hear Dr. Lee, had only discharged his bounden duty, and preserved the decorum of the court. He appealed to the House whether, on the statements before them, it was not evident that the right hon. Judge had performed his duty with equal credit, firmness, and impartiality. The learned gentleman then adverted to the statement, that some of the deputy registrars were relatives of the learned Judge. The fact, he admitted, was perfectly true; and he was happy that he had it in his power, by some letters written many years ago, to exhibit the character of the right hon. Judge in its true light. The learned gentleman then read several letters which had passed between the rev. Mr. Moore, in whose gift the office was in 1817, when Mr. Dyneley was appointed, and sir John Nicholl. The letters strongly expressed the anxiety of Mr. Moore to appoint an efficient officer. It was singular, but true, that though the right hon. Judge was thus confidently consulted, Mr. Moore was in utter ignorance of his relationship to Mr. Dyneley, until the fact was avowed by sir John Nicholl himself. There could be no doubt of the fitness of Mr. Dyneley for the office, and it had never before been imputed as matter of blame to any person having patronage, that he had used it to promote the advantage of his relatives, when they were duly qualified. It had never been made a matter of censure to lord Ellenborough that he had appointed his own nephew to be master of the Crown Office. Lord Kenyon and other judges had never hesitated to bestow the offices in their own gift on their relatives when they were fit and proper persons to hold them. He was not aware that it was necessary for him to say a word more upon the facts of this case. It was difficult to follow the hon. member for Aberdeen through the manifold and unconnected details into which he had entered. If he had omitted any charge of importance it was because he could not bear in his mind all that hon. member's loose and rambling allegations. He was not, however, veryanxious about that point: what he was most anxious about was, that after a full hearing of his case, the right hon. Judge should be acquitted of all misconduct and malversation in his office.

When he heard the hon. member talk of the extravagant fees of this court, and object to the remuneration of a judge, whose whole emoluments were but 3,000*l*. a-year; and who, after discharging the arduous and complicated duties of that office for twenty years, and being now nearly seventy years of age, was not entitled to a single shilling on his retirement, and received no greater reward than the wisdom of this House fixed a century ago, for the salary of the judge of the Prerogative Court, when he had not a tenth part of the duties to perform—he must say, that it did become those who made complaints of this nature, to be provided with some evidence in support of them. In noticing the observations which had been made on the subject of fees by the hon. member, he must say that he did it with the most ineffable contempt. He could not bring himself to use words sufficiently strong to express his disregard of all that had been said by the hon. mover upon that subject. He lamented that a petition of this nature should have been presented against an individual filling so eminent a judicial situation; especially as the feelings of the learned judge, from his not having been much tossed about amongst contending parties, were more than ordinarily acute on the subject. He had always been politically opposed to the right hon. Judge, but he felt it his duty to bear testimony to the unspotted purity of his judicial conduct.

Mr. *D. W. Harvey* said, it was not his intention to touch upon that part of the petition which complained of the conduct of sir John Nicholl; for, in his opinion, there was not the shadow of a foundation for the complaint. He had this reason for saying so—the decision of sir John Nicholl had been appealed from, and the tribunal to which the appeal was made did not consist of a single individual belonging to the court in which the right hon. Judge presided. Three common-law judges were called in to decide the appeal, and the result was a confirmation of the judgment of sir John Nicholl. There was, however, another branch of the case, to which the attention of the House had been very properly called, for the reason assigned incidentally by the learned doctor—namely, that at present there was no redress for the injury of which the petitioner complained. Of what was it that the petitioner complained? That being a litigant in one of the ecclesiastical courts in a suit by which he endeavoured to establish his claim to a property not exceeding 1,700*l.*, he had received on the conclusion of it a bill from his proctor for 1,100*l.*—One item of this bill amounted to 303*l.* The petitioner proposed to tax this bill, and his proctor referred it, in consequence, to the registrar of the court. But, as had been stated by the learned doctor, with a view to create a prejudice against the petitioner, he was an ignorant and illiterate man, who scarcely understood what he had to sign or write, and he therefore asked, as was not unnatural, that the taxation of the bill of costs should be superintended by his solicitor. And what honest reason could be assigned that it should not? There was a bill of many sheets and many figures, containing many items, some of which were very large.—He dared to say the learned doctor thought a fee of twenty guineas to one, and twenty-five to another learned civilian was very moderate; but still it was not wonderful that, under such circumstances, a poor illiterate exciseman, as he had been sneeringly called, should wish that the transaction should be watched by a vigilant attorney. It was said, that the registrars never taxed their own bills. Was there ever a more lame or impotent defence set up against an accusation than this? True, they do not tax their own bills; but they tax the bills of one another. It now appeared that there was in this country a court exercising spiritual dominion over every parish in England, in which alone wills could be proved and letters of administration granted, and in which all questions arising out of them must be decided; and that, in all cases of litigation tried in that court, no matter what was the magnitude of the charges, or the poverty of the party who had to pay them, there was no redress against their enormity, save the conscience of the knot of registrars, who were all three practising proctors, and cousins of sir John Nicholl to boot. The learned doctor had treated this evil as one of little importance, because it was a matter of long duration. Now, was there any evil of the law which was not of long duration? Was there any abuse in our judicial system which might not plead prescription in its favour? Would any man of common sense contend, that it was right for any individual to audit his own accounts? And yet these registrars, who were the only persons who could tax bills, were themselves practising proctors, and, what was more material, had more practice than all the other proctors in Doctors' Commons put together! If the learned doctor would move for a commission to examine into the state of the ecclesiastical courts, he would pledge himself to bring proctors before it, as respectable as Messrs. Toller and Son, to prove that it was a crying evil, that the registrars should be permitted to be practising proctors.

The *Attorney-general* perfectly agreed with the hon. member for Colchester, that there was not the slightest reason for throwing the remotest blame on the right hon. Judge. He would further say, that if sir John Nicholl had done what was desired by the hon. mover, he would be liable to impeachment for conduct at once tyrannical and unjust. It would have been most unjust if he had removed the registrars; who were not, as hon. members supposed, appointed by the judge. He defended the conduct of sir John Nicholl, and pronounced a high eulogium upon him as a member of parliament, a judge, and a private gentleman. Sir John Nicholl, like sir Peter Teazle, in Sheridan's comedy, had left his character behind him; but it was in no danger in that House, where gentlemanly feeling prevailed on all sides. If the two branches of the prayer of the petition could be separated, he had no doubt the hon. member for Montrose would be the majority and minority, and whole population on that side of the question. But he had yet hopes that a penitence—a late penitence—not of moral feeling, but of judgment, would convince the heart, and affect the sensitive sensorium of the hon. member, and that he would retract his attack upon sir J. Nicholl. He thought the House should treat the petition with contempt. He could not help hoping that the hon. member would, with the warmth of the season, relax his feelings, and state that he presented this petition as a member of parliament, but that seeing it was a gross and scandalous libel, he was willing to withdraw it.

Dr. *Phillimore* said, that this was not the place to remedy any grievance of which the petitioner might have to complain. The courts of law were open to him if he required redress. After many years' experience he would assert, that there was no court in the country in which justice was executed in a more satisfactory manner, and with less expense, than in the Prerogative Court. He had known the learned judge of that court for thirty years, and could bear testimony to his purity and integrity. The charges brought against him were utterly unfounded.

Mr. *H. Davis* strongly condemned the conduct of the hon. member for Aberdeen, in thus bringing forward charges, and keeping them suspended over the heads of individuals; whilst there were other steps, by which an aggrieved party could seek his remedy. He had known the right hon. judge for thirty years, and could bear testimony to his spotless integrity.

The petition was brought up and read.—On the motion, that it do lie on the table,

Mr. *Hume* denied that he had ever been in the habit of bringing forward charges against individuals upon slight grounds, or of allowing them to remain over longer than was necessary. He denied that the present petition was any libel against sir John Nicholl, and contended, that the principle of the allegations it contained had not been refuted.

The *Attorney-general* submitted, whether it was fair that a petition of this kind, containing such strong criminatory charges against a learned judge—charges, too, which were utterly unsupported—should be laid upon the table of the House.

The question, "that the Petition do lie on the Table," was then put, and negatived.

CORPORATION OF LEICESTER.] Mr. *Otway Cave*, in rising to move that the petition of the inhabitants of Leicester, which he had yesterday presented to the House, regarding the conduct of the Corporation of that borough, should be referred to a Select Committee, begged to state, that the returns, which had been ordered some time since by the House, from that Corporation, in reference to the building of a new gaol and house of correction in Leicester, had, after a great delay, been laid upon the table of the House, but in such an utterly imperfect form that the inhabitants had been unable to take any steps upon them, in order to show that a new gaol was not necessary, and that, therefore, they should not be burdened with an additional impost for its erection and support.

Mr. Secretary *Peel* said, it was hardly to be expected, that the House should occupy itself with the election disputes of the borough of Leicester. It appeared to him, that the hon. member had been put forward by a party in that place, to bring before the House all their local contests. If he saw any intention to conceal any thing from the House; if he saw on the returns any evasions; if the returns had been false; or if he had seen any of the privileges of the House evaded—he should have been ready to accede to the motion. But he saw no grounds for instituting that formal kind of inquiry proposed by the hon. member. He must, at the same time, express his surprise at the period which had elapsed since the time when the returns had been made. The petitioners complained of the gaol being built; but for this the magistrates were not to blame. He had brought in a bill to provide for building certain new gaols; and Leicester was one of the towns included. The magistrates, therefore, could not be ordered to suspend the building of this gaol, unles the act of parliament were repealed. He would recommend the hon. member to procure an amended return; for he did not think this a case to call for the interference of the House.

Mr. *H. Gurney* said, he did not rise to induce the right hon. gentleman to consent to the motion, but to observe, that as the law now stood, and the bill which had been sent up from that House had been lost in the other House, corporations might make any use they pleased of the corporation funds. As the principle was now avowed, he should expect to see corporations employing all their resources, at another election, in bringing up out-voters. He hoped, however, that another bill would be brought into that House more complete than the last; and he would suggest it as a subject well worthy the right hon. gentleman's attention.

Mr. *O. Cave* explained. In the course of his explanation, he observed, that he had not brought forward the motion because it originated with the party in the borough of Leicester which had sent him to the House. It had been signed by almost all the inhabitants. His election had no more to do with the petition than had the election for East Retford. If he had come down to the House with solemn plausibility, ingenious candour, and well-balanced cadence, and on that Election bill had declared he knew nothing of the dukery, and that that borough was under the influence of the duke of Newcastle, he should deserve as much to be believed as those were, who falsely imputed personal motives to him for the motion he had submitted. He would accept the proposal of the right hon. gentleman, and propose to-morrow an amended motion.

Mr. *Maberly* said, that as the other House would not concur with them in measures for restraining the power of corporations, it was due to the dignity of that House, that they should pass a resolution, declaring it to be a breach of their privileges to apply the funds of a corporation to influence the election of members of parliament.

Mr. *Peel* said, that an expression used by the hon. member for Leicester called for some remark from him. He was willing to assume, that the hon. member harboured no intention to give him personal offence; but he was quite sure that the hon. member would excuse him, when he said, that the word "falsely" was improperly used: and he now asked the hon. member whether he meant to apply that term to him?

Mr. *O. Cave* said, he understood the right hon. gentleman to state, that his motion originated in party feeling, growing out of the Leicester election. If that were the case, he could not retract what he had said; because he was actuated by no such feeling. It was unfair, in the first place, to make such a charge; and, in the second, he conceived it to be falsely advanced.

The *Speaker* said, he solemnly assured the House, that if he conceived it possible, when the hon. gentleman used the expressions adverted to, that he meant to direct them against any individual, he should certainly have interfered. He never was more astonished than when he heard the explanation which the hon. member had given of his own words.

Mr. *O. Cave* trusted he had never shown any disposition to act in a manner personally offensive to any member. He had no intention, in the present instance, to excite unpleasant feelings. Should the right hon. gentleman say, that he did not use those expressions in a personal sense, then he would make such a reply as would, he hoped, be satisfactory to the House.

The *Speaker* said, the hon. gentleman ought to express, that the words used by him were not intended as matter of personal offence to the right hon. gentleman.

Mr. *O. Cave* said, he was ready to ask pardon of the House; but he spoke in the belief, that an attack had been made personally on him. He therefore must say, that he made the observations which had been adverted to in the same sense, whatever it might be, as that in which the remarks directed to him were uttered.

The *Speaker*. The hon. member knows, that the rules of this House are not to be trifled with, and that no language can be allowed here which is personally offensive.

believe, and I think the House must be of the same opinion, that the hon. member has deviated from every principle of order, and has for gotten what is due to the dignity of parliament; and therefore, if he does not make a proper concession, I shall feel it to be my duty to name him.

Mr. *O. Cave* said, that no person could be more unwilling than he was to offend the House; but he would ask, did not the right hon. gentleman make an allusion that was personally offensive to him? It was only because he understood that the right hon. gentleman made such an allusion that he had used the words which gave rise to this discussion. There was no one whom he respected more than he respected the right hon. gentleman; but he owed it to his own honour, not to suffer unworthy motives to be imputed to him without repelling the charge. He bowed with submission to the forms of the House, and he had not the slightest hesitation in apologizing to the House and to the chair.

The *Speaker* said, that the hon. member did not appear to understand what the feeling of the House was, It was his duty to tell the hon. member, that the House called upon him for explanation and apology. This was the first time he had seen any gentleman display apprehension lest his honour should be injured by obeying the call of the House. He would tell the hon. member, that after what had passed, he would best consult his own honour by making the reparation which was now demanded of him. The Speaker then called twice upon Mr. O. Cave before the hon. member rose.

Mr. *O. Cave* could only repeat, that if he had said or done any thing that was contrary to the usages of the House,—if he had said or done any thing that was disrespectful to the House or to the chair, he was perfectly willing to apologize. The hon. member was then about to leave the House amidst loud cries of "order," but on being called upon by the Speaker he resumed his seat.

The *Speaker* said, that the hon. member should not be permitted to add further insult to the House. The hon. member must know that he had made use of personal language, which was not only offensive to the right hon. member against whom it was directed, but also to the House, whose forms and usages tolerated no such expressions. He really could not understand upon what principle it was, that the hon. member, who must feel that he had used an offensive expression, should wish to draw such a distinction in retracting that expression, as it must be apparent he had endeavoured to draw. He called upon Mr. O. Cave twice.

Mr. *O. Cave* trusted, that he had never shown any disrespect to the chair or to the House; but he did not see how it could be fairly imputed to him, that he had drawn any distinction, when he had said that he apologized to the House. As to saying any thing further,—if any hon. member thought himself aggrieved by any thing that had fallen from him, let that hon. member get up and say that he had meant nothing personal to him, and he would say the same to that hon. member. But he did trust that there were no rules of that House which would deprive him of the vindication of his own honour, and of the maintenance of his personal character.

The *Speaker* said, it must be clear that the hon. member's apology was only a partial apology. The hon. member had spoken of his personal honour. The hon. member must know that it was the duty of the chair to take care that no gentleman's personal honour should be hurt; and he must repeat, that the surest way in which the hon. member could preserve his honour was, to comply strictly and cheerfully with the demand which had been made upon him. He again called on Mr. O. Cave. After a short pause,

Mr. *S. Rice* trusted that his hon. friend would receive the advice of a friend. He was a calmer witness than his hon. friend, and he did not understand any of the expressions of the right hon. gentleman to be personally directed against his hon. friend.

Mr. *R. Colborne* thought there could be no doubt as to the course which the hon. member should pursue. The mind of that man must be strangely constituted who did not think that the courage of avowing a fault was courage of the most manly character.

Mr. *O. Cave* said, that after what had fallen from his hon. friends, it would seem most impertinent in him to resist their advice. "I beg leave, Sir," continued the hon. member, "to make the apology in the sense in which you wish it to be made."

Mr. *Peel* said, the House must see that he could not have preceded the hon. member in concession. He knew that he had said nothing which could justify the word "false" being applied to him, and it was therefore impossible for him to have led the way in explanation. "But now, Sir, understanding the hon. member, when he says that he adopts your meaning, to speak unequivocally and without any reservation, I have not the slightest hesitation in assuring the hon. member, that I meant nothing personal to him. All I meant to say was, that local questions would generally be best decided by local jurisdictions. It never entered into my mind to give any personal offence to the hon. member."

Mr. *O. Cave* then withdrew his motion.

EDUCATION IN IRELAND—CHARITABLE FOUNDATIONS.] The House having resolved itself into a Committee on the Appropriation Act,

Mr. *Spring Rice* rose, to claim from the chancellor of the Exchequer the fulfilment of his engagement, by the introduction of a clause permitting the lord lieutenant of Ireland to exercise an entire control over the sums voted for Education in Ireland. The pledge given was, that lord Anglesey should be enabled by parliament to issue the sums voted, either in the whole or in part, subject to such conditions as should appear expedient, or should be allowed to transfer them altogether to other establishments, should he consider such to be more deserving of parliamentary support. Under the authority of such an enactment, the government of Ireland might introduce more liberal and rational principles into existing schools, or, if that were impossible, might in new establishments try the experiment recommended by the report of the Select Committee of which he was chairman. He would avail himself of the present opportunity of making a communication to the House, which would have come from his hon. and learned friend, the member for Winchelsea, who was prevented by indisposition and professional engagements from attending. It related to the subject of Education, and he felt confident that it would be gratifying both to the House and to the public. Gentlemen would not have forgotten the laborious and interesting inquiries concerning schools commenced at the suggestion of his hon. and learned friend, several years back. The reports of the committees on Education and the digested returns prepared at that period, had given to the public the first accurate knowledge of the means of instruction provided for the poorer classes. These returns, however, proved that the means now provided were wholly inadequate, and that in many cases parishes were still to be found in which no school whatever existed. In 1818, his hon. and learned friend had addressed letters to the clergy of the established church, requesting those rev. gentlemen to furnish him with answers to queries illustrative of the state of Education in their respective parishes. Returns were procured by these means, which though incomplete, furnished sufficient data to reason upon pretty generally. In 1828, after a lapse of ten years, similar queries were circulated by his hon. and learned friend; and, by a careful comparison of the returns then procured with those of 1818, it would be seen that the progress of Education in Great Britain had been most rapid. It was to this most satisfactory fact that he was particularly desirous of calling the attention of the House. In four hundred and eighty-seven parishes in different parts of England—fair indications of the state of Education throughout the whole country —the number of unendowed day schools according to the parliamentary returns, appeared to be 1411, containing 50,034 scholars; such was the state of things in 1818. In 1828 in the same parishes, the number of schools was 3,260, and the number of scholars 105,571. To the friends of freedom, knowledge, and virtue, it would be difficult to suggest a more gratifying subject for meditation; and, though he was aware that much of this improvement was to be traced to the zeal and love of knowledge of the present times, yet he felt it a gratification and pride to consider that these motions had been called into action, and if not actually and altogether created, yet greatly increased in power by the efforts of his hon. and learned friend. He could not sit down without stating the obligation which was due to the clergy of the established church, for the kindness and energy with which they had met the views of his hon. and learned friend. They had assisted with zeal in procuring the information required both in 1818 and 1828, more particularly at the latter period.

HOUSE OF COMMONS,

Friday, July 18.

AMERICAN TARIFFS.] Mr. *Huskisson*

said, that in submitting the motion of which he had given notice, nothing could be further from his intention than to elicit from the government any premature disclosure of their views and sentiments, in reference to the conduct of the United States, bearing on the commerce and industry of this country; though he felt it necessary to take some notice of, he would not say the intention, but the tendency of the acts which had lately been passed by the legislature of the United States, which he considered mainly detrimental to their own interests, and calculated to injure the commerce of this country. in 1815, soon after the termination of the unfortunate war with the United States, a convention of commerce was entered into between the two countries for four years. The principle on which it was framed was very short and simple. It was one of those treaties which had been since so much abused, under the name of reciprocity treaties. It was the model on which other treaties were subsequently constructed. The principle of the convention was, that all articles of produce, trade, or manufactures, should be received in either country, on the payment of duties as low as were paid on the same articles by any other country, and that there should be no discriminating duty, with respect to the ships in which they were imported. This convention was concluded in 1818, for ten years, and expired in October of the present year. When this convention was first made, the wise policy of the United States was, to impose no other duties on articles imported for the consumption of the population, than were required to raise an adequate revenue for the purposes of the state. The duties on the woollens of this country did not exceed fifteen per cent.; on hardware they were lower, and on cotton goods lower still. In 1823, whilst the convention was still binding on both countries, they, strange to say, adopted a change in their tariff, imposing much higher duties on those articles which they considered the great staples of our manufacture. Hardware was taxed thirty and forty per cent.; cotton about the same; and, as if to give a proof of their intention deliberately to violate the existing convention, they raised the duty on rolled iron one half higher than that on hammered iron, thus taxing even our improvements in machinery. Upon a remonstrance from this country, the executive government admitted, much to its credit, that no such increase of duty ought to be imposed, or any duty laid on, in reference to the expedition with which it was framed. Subsequently, an attempt was made to induce us again to enter into a commercial convention for another term of ten years. He had been the person charged with arranging the renewal of the convention; and in the course of the discussion, he had taken two objections to the renewal. The first, that as the congress had taken this course with the iron, there was nothing to prevent it doing the same with the other articles of our exports to the United States; for instance, cotton goods—that, in fact, if at all admitted, the principle would go to deprive us of all the benefit of our improvement in machinery. The second objection was, that the scale of duties on other articles had been attempted to be increased in 1824, in 1825, and 1826, and only rejected by the casting vote of the president. He, therefore, proposed, that the parties should, in a new convention, not be bound to a term of ten years, but conclude a convention determinable at any period, provided twelve months were given by either party. This convention, leaving the two countries comparatively unfettered, was concluded last August. Whilst iron, cotton, and hardware, were rendered liable to duties which almost amounted to a prohibition, being the staples of this country, the productions of other countries were, in the same proportion, lowered, evidently showing an intention to injure, if not ruin, the extensive trade carrying on by this country in articles of its own manufacture. —The fatal vote of this year was carried by as small a majority as it was lost by in the preceding year. And the best-informed Americans candidly confessed that they felt this conduct to be extremely unwise and impolitic. Be that as it might, each country had a right to do in this respect as it liked, and we had no right to complain. He for one made no remonstrance as to the principle; but we had the remedy within ourselves. He was, however, not disposed to enter on a war of restrictions or prohibitions. He deeply regretted what had been done in this respect; yet a man must be blind to the interests of this country who should consent to deprive government of the means of promptly meeting the effect of such restrictive measures by corresponding regulations. It was not consistent with the dignity of a great commercial nation like this, to affect not to feel the impediments thrown in the way of its commerce. If we were to take raw materials for our manufactures from the United States, we should ensure for our own articles, when manufactured from those materials, an equally favourable reception in the market as they experienced in other countries. Whilst we were dependent on that country for the raw material, were the Americans to be independent of our manufactured goods, of which they had till now required so large a supply? It was the more manly course, both to assert the character and protect the commerce of this country, to protest against such a course. There were two descriptions of articles imported into this country. The first class, such as tobacco, rice, and turpentine, were articles not essential to our commerce or manufactures, but merely of consumption. We could, he was satisfied, soon be abundantly supplied with tobacco from the East Indies, by prudent inducements held out to its improved cultivation. The rice of India would soon (indeed it was already doing so) usurp the place, in our list of imports, which that of Carolina had done. In other articles the same change would soon be observed. With reference to cotton, that raw article so essential in our great staple trade, it was only necessary to give its culture in India the same encouragement which the indigo trade had obtained, to ensure its cultivation with equal success. The result would soon be, that the cotton of India would supplant the cotton of the western world, as the indigo of India already excelled that of Guatimala, to which it was formerly so much inferior.—Unless we asserted our dignity and protected our interests, what would be thought of our apathy by the people of Brazil, who admitted all our articles of manufacture upon a payment of only 15 per cent? What could we with consistency say to India, which was compelled to receive all our exports at a duty of 2½ per cent, and had scarcely any staple, wherewith to repay itself in the way of commerce with us? What, in fact, could be our answer to the states of South America? This was an important consideration. But there was another; which was, that if the United States drove us to countries for a supply now almost all their own, we should see that supply brought to this country in English bottoms, and thus employing English industry, instead of employing American ships and seamen, and under the American flag. It was become a question of too great importance to be any longer overlooked by any government anxious to protect its commerce from the palpable attempt to exclude the produce of English industry from the market of the United States.—But, was it to be supposed, that the effort could be crowned with success; and, was it not right to infer, that if, circumstanced as our provinces in Canada were, if so large a country as the United States were prohibited from obtaining a legitimate supply, human industry and ingenuity would devise means of obtaining, at a cheap rate, and without duty at all, that which was so superior in manufacture to any other they could obtain? He should deeply regret if things turned into such an illicit channel; as it could hardly fail to increase the rivalry between the states bordering on the line of demarcation in North America, and possibly be productive of hostile feeling, and frequent personal rencontres. Strengthened as government had felt itself by all these concurrent encouragements, it would not have become it to have acted otherwise than it had done, with respect to the commercial convention last concluded. It appeared to him, that the people of the United States had been led into an error, and induced to believe that we should have regarded all this with comparative apathy, as coming from themselves, because this country had been so uniformly moderate and forbearing with an infant and rising state, connected with us so intimately by community of language and a common origin. He thought that the present extent of our trade with America did honour to the spirit of enterprise in both countries; but if America should persevere in the system disclosed in the tariff of this year, the day might yet come, when the commerce between her and this country might become as restricted and as insignificant, as that between us and France. The commerce of America with this country amounted to more than one half of the whole of her commercial transactions with the rest of the world. But our dealings with America, though conducted on such an extensive scale, did not amount to one-sixth of our general commerce. He would leave it to those who had an interest in the prosperity of that country, to say, whether they would risk the loss of more than half her trade, in the vain endeavour to impede us in one-sixth of ours. The rapid increase of the cotton trade between America and this country was a proof not only of the general prosperity of both, but of the increased comforts possessed by every class of our population. In 1817 and 1818, one half of the cotton manufactured in this country was consumed at home. As the quantity of the raw material had doubled in the course of ten years, the inference was obvious, that the quantity of manufactured cotton had more than doubled. That was a great improvement in so short a period; and it was the more important, as it indicated a corresponding increase in the comforts of the people. He hailed it as an evidence of the advantages which a long peace was calculated to diffuse over the face of the earth. In the whole of the civilized world the comforts and advantages of society were rapidly increasing. He rejoiced to think that they were increasing in other countries as well as our own; for, as they increased, the wants of those countries would increase, and with the wants the commerce, and with the commerce that beneficial intercourse which it must be the wish of every man to cultivate and encourage. If the United States, by a fatal policy, should persevere in shutting out our commerce from her ports, it was absurd to suppose that she could annihilate that portion of our commerce. All she could do was to alter its course—to send us into other ports of the same continent, to send us into Asia, and into the vast islands of the Asiatic seas. To follow up the subject still further, he would say, that those who laboured, with so much useless industry, in the inquiry concerning the low price of English wool, were mistaken if they supposed that it was any proof of declining prosperity.—The wool-trade had decreased, because the cotton trade had increased. They were articles in competition with each other; and nothing could tend so much to raise the price of wool, as raising the price of American cotton. It was a satisfaction to know, that the trade in foreign wool had increased; and as it was not accompanied with a corresponding increase in the export, it was decisive of an increase in the comforts of the people.—The idea of laying an additional tax on foreign wool would be a species of madness, only equal to that which America would exhibit, by persevering in the system disclosed in the late tariff. On looking at the fourth report of the Finance Committee, they would find, that a great increase had taken place in the comforts, as well as in the productive power, of the industrious classes. It was with regret that he should make any allusion to the differences between this country and America in the year 1825. But, what had occurred at that period between the United States and the British colonies and the West Indies? He had then proposed an act, throwing open the trade of those colonies, upon certain conditions, to other nations. The United States, however, so far from acting upon a principle of reciprocity, had imposed restrictions upon British shipping entering their ports, which amounted to a complete exclusion. For one long year this country had patiently—he had almost said too patiently—submitted to the regulation, without adopting any retaliatory measure. At the end of that period, his majesty was advised to issue an order in council prohibiting the intercourse between America and our West-India possessions.—The intercourse was interdicted; and then came America, with a tardy proposal, accepting the terms which, up to the moment of the prohibition, this country had offered to her in vain. The advice for the issuing of that order in council was given with reluctance: but if they must again be driven to measures unfriendly to commercial intercourse, it became them to persist in it with firmness. With respect to the present tariff, he would say to ministers, "do not be hasty to determine; look at the various bearings of the question, with a view to your interests, your character, and your trade."—But if, after such deliberation, they were forced to adopt a course of retaliation, all he would enjoin them was, that when once they had adopted the course, they should adhere to it with firmness. He would say, proceed with circumspection, but remember that there are limits to forbearance itself; because, as new interests grew up, the difficulties increased in the way of altering the system; so that they were bound in common policy to take care that the time should not be too long contracted, nor the difficulties allowed to grow too great, before they proceeded to legislate in the spirit which might be rendered necessary. The right hon. gentleman concluded by moving, for copies of the tariff of the present year, and of the tariff of 1824.

Mr. *Hume* thought it would be much better, that government should not pay the least attention to the weak and ungenerous policy adopted, in this instance, by the United States, but leave it to fall by its own weakness. It was only a few years ago that we acted upon the same principle ourselves. One thing rankled strongly in the breast of the Americans; and that was, our policy of excluding her staple trade, corn, from the ports of this country. He agreed in thinking, that for every pound which this country would lose by the operation of the tariff, America herself would lose five. If America persisted in her foolish plan, no doubt this country would soon find other connexions; and he was glad to hear an allusion made to the commerce of the Asiatic seas, which it would be so much the interest of Great Britain to cultivate. He differed, however, in thinking, that if the resolution to adopt retaliatory measures were once taken, it should be persisted in. The question would still arise, whether it would be to our advantage to adopt such a course.—For his own part, he was the enemy of all monopolies and restrictions.

Mr. Secretary *Peel* said, he had not the least objection to the motion of his right hon. friend, as the production of the papers would tend to elucidate the question with which they were connected. The hon. gentleman who had just sat down had attempted to defend the last tariff, as a measure of retaliation. But it would be a most extraordinary proceeding indeed, if America should think fit to adopt measures of retaliation, at the very moment when we had relaxed the severity of our Corn-laws. Those documents appeared to him the most conclusive proofs of the impolicy of the tariff; and he was disposed to expect, from the good sense of America, that she would regard it in the same light. The right hon. gentleman had suggested that they should look out for new sources of commerce; but in doing so, it might be necessary to hold out new inducements to the countries with which that commerce was sought to be established. This would render the retracing their steps the more difficult at a future period; and therefore it should render them the more slow in resorting to such a step. His right hon. friend might rest assured, that government would consider the subject in the spirit of conciliation; but though he agreed in many of the observations which had fallen from the hon. gentleman opposite, he was not prepared to go the length of admitting that even the perseverance of America should not drive us to the adoption of any retaliatory measures. It was with no unfriendly voice, that he would say, that the policy on which America was now acting was founded in error, and that before long she would be convinced that she had mistaken her own interest.

After a few words from Mr. Trant, Mr. Robinson, Mr. Attwood, and Mr. C. Grant, the motion was agreed to.

CORPORATE FUNDS.] Mr. *Hudson Gurney* said, that if the right hon. the Secretary for the Home Department did not, early next session, bring forward some measure to prevent the misapplication of Corporate Funds, he should himself feel it his duty to do so. If nothing was done to check the growing evil, the House would have petitions sent up from every great town in the kingdom, in such language as would make them be heard.—The hon. gentleman afterwards gave notice, that he would next session move for leave to bring in a bill "for more effectually to prevent the misapplication of Corporate Funds to Election purposes in such Cities and Boroughs as return Members to Parliament, where the Right of Election is in freemen, freeholders or inhabitants."

HOUSE OF COMMONS.

Monday, July 21.

The House being met, the Clerk at the Table acquainted the House, that he had received a Letter from Mr. Speaker, which he read to the House as followeth:—

New Palace Yard, 21st July 1828.

"Sir—I request you will acquaint the House with the great concern I feel at not being able to attend their service this day, in consequence of the death of the Archbishop of Canterbury, who died this morning at eleven o'clock. I am, Sir, very faithfully yours, C. MANNERS SUTTON.

"John Henry Ley, Esq.
Clerk of the House of Commons."

Whereupon it having been moved, That the House do adjourn till to-morrow;

the Clerk (to whom those who spoke addressed themselves, in the absence of the Speaker), by direction of the House, put the question for adjourning the House till to-morrow. And the House accordingly adjourned.

HOUSE OF LORDS.

Thursday, July 24.

NATIONAL DEBT BILL.] On the order of the day, for the third reading of this bill,

Lord *Bexley* said, it was intended by the bill before the House, to limit the issues to the Commissioners for the Reduction of the National Debt to 3,000,000*l.* for the present year, and to that provision he had no objection; because he thought that the clear surplus of the revenue above its expenditure would not exceed that amount for the present year; and he concurred in the views of the Finance Committee, that it was only on the clear surplus that any solid system for the redemption of the national debt could be founded. Whatever nonsense had been talked on the subject of the redemption of the debt by borrowing, he was sure that Mr. Pitt had never proposed any thing so shallow. He could concur with the Finance Committee, that an attempt should be made annually to adjust the sums applicable to the redemption of the debt, by the surplus of the year. That surplus could never be ascertained until the year was closed.—The noble lord then went into a defence of the steps taken by Mr. Pitt for the establishment of a Sinking-fund, and into a detailed statement of his own financial measures, while chancellor of the Exchequer; but the noble lord spoke in a tone of voice which was so inaudible at the bar, that it was impossible to follow him with correctness. He recommended the noble duke at the head of the government to preserve the machinery of the Sinking-fund, unless he found some other plan equally secure. There were circumstances which, in his opinion, would always render it impracticable to effect the reduction of a large proportion of the debt by the application of the Sinking-fund, because it would be driving into the market a great many millions of money, to the derangement of the money transactions of the country. He therefore did not wish to see the redemption of the debt by the application of the Sinking-fund carried on, when once the three per cents had reached par. There was another method by which provision might be made for the reduction of the debt; namely, by the exchange of a part of it for temporary annuities. He was sorry to find that the committee recommended the repeal of the life annuities, and the measure by which a temporary provision was made by annuities in naval and military pensions. With respect to the life annuities, though he hoped that system would be revived when the Treasury should be provided with a set of tables on which they could depend, and though he thought the objections to the measure had been greatly exaggerated, yet he felt no objection to its suspension. With respect to the other measure, he felt no objection to its repeal; but he thought that a measure would be attended with great convenience, by which a certain annual sum of permanent debt was converted into annuities which would expire. The noble lord apologized for taking up so much of their lordships' time, and, in conclusion, expressed a hope that noble lords, before the next session of parliament, would make themselves masters of the report of the Finance Committee of the House of Commons.

The Duke of *Wellington* merely rose to thank the noble lord for his statement. There was no doubt that that report of the Finance Committee contained more information than any that had ever been laid before parliament, and he hoped their lordships would see in that report, an ample proof of the extent and solidity of the resources of the country, and of the benefit which had resulted to the country from a perseverance, as long as it was possible, in the plan adopted by Mr. Pitt for the redemption of the debt. In drawing the attention of their lordships to this subject, he could not but particularly notice the vast resources which, by the ability of his noble friend and the disposition of parliament, were provided to support the great exertions made during the last war; and he begged their lordships to advert to the facility with which those resources were provided, in consequence of the existence of that Sinking-fund, to which his noble friend had alluded. He would not in so thin a House, point out in what manner that Sinking-fund had worked; but there was one obvious remark which he begged leave to make;—namely, that the interest paid upon all the sums borrowed, in the course of that war exceeded by little five per cent; and this fact could only be attributed to that Sinking-fund, which had been so much abused. He hoped that the discussion which had taken place there would convince parliament that the salvation of the country depended upon the establishment of an efficient Sinking-fund for the payment of the national debt. Whether that fund ought to amount to 3,000,000*l.* or to a larger sum, and whether that sum ought to be fixed or voted annually, were questions which he had no wish to prejudge; but, that we must have an efficient Sinking-fund, consisting of a real efficient surplus income, no man could doubt; and he must say, that that minister would not do his duty who did not urge the country to ensure such a surplus fund.

The bill was then read a third time.

HOUSE OF COMMONS.

Friday, July 25.

SLAVERY IN THE WEST INDIES.] Sir *J. Mackintosh* presented a petition from the Protestant Dissenters of Charlton, Glocestershire, praying for the Abolition of Slavery. He would take that opportunity of giving notice, that unless government should, without delay, take means for carrying into effect the resolutions which the House had passed in 1823, the friends of this cause would themselves propose specific measures of colonial reformation, early next session. It was much to be desired, that the colonial legislatures might have the wisdom to render such interference unnecessary; as their own free acquiescence was infinitely the most convenient mode of adjusting the question. He was happy to say that his hon. and learned friend the member for Winchelsea had undertaken to bring this subject again under the consideration of parliament.

Sir *G. Murray* said, that he could not suffer the opportunity to pass, without stating explicitly that it was not the intention of the present government to depart from the principle of the resolutions passed in 1823—resolutions which did equal credit to the feelings of the House, and the liberality of the administration. It was the desire of government to introduce a system which would be beneficial to the slaves, without infringing on the rights of private property.

Mr. *F. Buxton* said, he had heard with great satisfaction the declaration of the right hon. gentleman; and the more especially as words of a different import had been attributed to a noble member of his majesty's government in the other House. He was glad that the pledge given in 1823 was not to dwindle down to a mere recommendation to the colonial legislatures.

Mr. *W. Horton* said, that under the circumstances, he did not deem it necessary to submit the resolutions of which he had given notice. He could not but express his pleasure at the gratifying intimation of the right hon. Secretary.

Ordered to lie on the table.

HOUSE OF LORDS.

Monday, July 28.

THE KING'S SPEECH AT THE CLOSE OF THE SESSION.] After the royal assent had been given, by commission, to several bills, the following Speech of the Lords Commissioners was delivered to both Houses by the lord Chancellor:

"My Lords and Gentlemen,

"We are commanded by his Majesty to acquaint you, that the business of the Session having been brought to a close, his Majesty is enabled to release you from your attendance in Parliament.

"His Majesty commands us at the same time to return to you his warm acknowledgments for the zeal and diligence with which you have applied yourselves to the consideration of many subjects of great importance to the public welfare.

"The provisions which you have made for the regulation of the import of Corn, combining adequate protection for domestic agriculture with due precaution against the consequences of a deficient harvest, will, in the confident expectation of his Majesty, promote the inseparable interests of all classes of his subjects.

"We are commanded by his Majesty to acquaint you, that his Majesty continues to receive from his Allies, and from all Foreign Powers, assurances of their friendly disposition towards this country.

"The endeavours of his Majesty to

effect the Pacification of Greece, in concert with his Allies, the King of France and the Emperor of Russia, have continued unabated.

"His Imperial Majesty has found himself under the necessity of declaring War against the Ottoman Porte, upon grounds concerning exclusively the interests of his own Dominions, and unconnected with the Stipulations of the Treaty of the 6th July 1827.

"His Majesty deeply laments the occurrence of these hostilities, and will omit no effort of friendly interposition to restore peace.

"The determination of the Powers, parties to the Treaty of the 6th July, to effect the objects of that Treaty, remains unchanged.

"His Imperial Majesty has consented to waive the exercise, in the Mediterranean Sea, of any rights appertaining to his Imperial Majesty in the character of a belligerent Power, and to recall the separate instructions which had been given to the Commander of his Naval Forces in that Sea, directing hostile operations against the Ottoman Porte.

"His Majesty will therefore continue to combine his efforts with those of the King of France and his Imperial Majesty, for the purpose of carrying into complete execution the stipulation of the Treaty of London.

"His Majesty commands us to acquaint you, that his Majesty had every reason to hope, when he last addressed you, that the arrangements which had been made for administering the Government of Portugal, until the period at which the Emperor of Brazil should have completed his abdication of the Throne of Portugal, would have secured the Peace and promoted the happiness of a Country in the welfare of which His Majesty has ever taken the deepest interest.

"The just expectations of his Majesty have been disappointed; and measures have been adopted in Portugal, in disregard of the earnest advice and repeated remonstrances of his majesty, which have compelled his Majesty and the other Powers of Europe, acting in concert with his Majesty, to withdraw their Representatives from Lisbon.

"His Majesty relies upon the wisdom of the august Sovereign, the Head of the House of Braganza, to take the course which shall be best calculated to maintain the interests and honour of that illustrious Family, and to secure the peace and happiness of the Dominions over which it reigns.

"Gentlemen of the House of Commons,

"We are commanded by his Majesty to thank you for the Supplies which you have granted to him for the service of the present year; his Majesty will apply them with the utmost regard to economy, and will continue a deliberate revision of the several public establishments, with a view to any further reduction which may be compatible with the dignity of the Crown, and with the permanent interests of the country.

"My Lords, and Gentlemen,

"His Majesty commands us to congratulate you upon the general prosperity of the country, and upon the satisfactory state of the Public Revenue.

"His Majesty contemplates the increase of our Financial Resources with peculiar gratification, on account of the decisive proof which it exhibits, that the condition of his Subjects is one of progressive improvement.

"His Majesty commands us, in conclusion, to assure you that his unabated exertions will be directed to inculcate among Foreign Powers a spirit of mutual goodwill; and to encourage the Industry, to extend the Commerce, and advance the general Welfare of his own Dominions."

After which, the Parliament was prorogued until the 28th of August next.

ADDENDA.

The following SPEECHES *of* MR. WARD *and* SIR HENRY PARNELL, *on the Scotch Small Notes Bill, were accidentally omitted at p.* 1065, *immediately following the Speech of Sir John Wrottesley and preceding that of Mr. Secretary Peel.*

Mr. *Ward* congratulated the right hon. gentleman, and the hon. baronet who moved the amendment, on the tone in which this discussion had been conducted. It was one of the most interesting subjects that could engage the attention of an English House of Commons. It was so far new to him, that he should be backward in expressing any decided opinion upon it; he wished rather to know what was the intention of the House than to pretend to lead them to any particular decision. He looked upon the question of the coinage as the peculiar prerogative of the Crown. The Bank had a right granted to them in an especial manner to issue paper; but they were bound to make that paper convertible into gold, so long as it was the pleasure of his majesty that gold should be the standard currency of the country. The right hon. gentleman had spoken of the amount of gold in circulation in the country, and his statement had been supposed to be overcharged. On that subject he would give the House as much information as he had been able to obtain from the facilities afforded him as a bank director. The Bank had the same right as other bodies to transact their affairs in their own way; but his knowledge of their affairs enabled him to give the House some information. That information related principally to the sum issued in the shape of specie, and tended to show, that the right hon. gentleman's statement had been very little, if any, overcharged. From January 1821, to July 1824, 17,373,000*l.* had been issued in gold. Of that amount, 2,550,000*l.* had been exchanged for guineas. During that period, the exchange had been in favour of this country, and gold had been largely imported; and from that circumstance, there was little reason to fear that the gold had gone out of the country. From August 1824, to December 1825, a sum of 8,660,000*l.* had been issued in gold; and out of that, 556,000*l.* had been exchanged for guineas. During that period the exchanges had been against this country, and gold was largely exported. A sum of 2,500,000*l.* ought to be deducted from the amount of the issue on account of the money advanced during that time to bankers to cover the amount of notes withdrawn during the existence of the panic. That deduction left 6,000,000*l.* as the amount of the exports, in addition to the bar and uncoined gold sold by the Bank. From January 1826, to April 1828, inclusive, which brought the account up to the latest possible period, 2,372,000*l.* had been issued in gold; and of that amount, 109,000*l.* had been exchanged for guineas; and 1,300,000*l.* must be deducted for the advances to country banks. The total amount of the issues was 28,405,000*l.*; from which rather more than 6,000,000*l.* must be deducted for the exports, during the time the exchanges were unfavourable to this country, which left a sum of 22,000,000*l.* as the quantity remaining in circulation in April 1828. From this calculation, and the conclusion thus arrived at, it would appear that the calculation of the Chancellor of the Exchequer was not exaggerated. Taking, therefore, into consideration the demand for the issues, and the permanence of the supply, there appeared to him no doubt of the stability and permanence of the present state of things as respected the currency. He would not dive into futurity, nor speak with too much confidence on subjects of that nature; but he was prepared to say, upon his own responsibility, that there was no danger of any failure of the supply in the currency of this country. He should be one of the first to take alarm, if there was any real occasion for it; but he saw no ground for alarm. He must acknowledge that he, in common with many others who were, like himself, rather of the old school, should, if such a circulating medium could be safely adopted, feel a preference for paper over coin; and if the question was now whether parliament should, for the first time, enact those laws that were now in existence, he should certainly entertain strong doubts upon the subject; but that was not now the question. They were called on at present to say whether the laws having been enacted, the country having accommodated itself to the difficulties attending the first operation of those laws, the House should retract all it had done, and, at this particular moment, stop short, after the country had, in a great measure, overcome the inconvenience of the change. He assured the House he did not undervalue those inconveniences. Since the peace they had been frequently severely felt. In 1816, in 1820, and in the present year, gold had been brought into this country, and that state of things had been accompanied with distress and with low prices. Some gentlemen seemed to think, that if that state of things was altered in one respect, there would be high prices—that the change of one would follow the change of another. He thought that opinion was founded in error. In such cases there never was a medium point. States rushed from one extreme to the other, and that was an evil which all wise legislators would wish to avoid.—There was another question connected with this subject, and that was the introduction of a silver standard. That point had been adverted to by an hon. member, as one which it was very desirable to obtain, and a double standard had been recommended. He confessed he did not know what a double standard meant. The moment he could be convinced that there were two standards for a bushel of of wheat, or two standards for a yard of cloth, he could understand the proposition of a double standard in money; but not till then. It seemed to have escaped the notice of those who indulged in the idea of the advantages of a double standard, that the price of silver had varied more even than that of gold. During the years of peace, silver had varied from 4*s.* 11*d.* to 5*s.* 7*d.* an ounce, while gold had only varied from 3*l.* 17*s.* 6*d.* to 4*l.* 3*s.*; a fact which showed that gold had fluctuated in price in a much less proportion than silver, and that it was consequently much better as a standard of value. He thought it was high time for the legislature to act with caution on the subject of gold and silver, and to recollect the influence which the changes of the circulating medium produced in the relations of debtor and creditor. The former, if he had the option, would always pay his debt in the cheapest possible manner; and if there were two standards of metallic circulation, as one of them must be cheaper than the other, the debtor would take that for the purpose of discharging his debts. Such a choice ought not to be offered to him. That the price of these metals would be different from each other there could be no doubt. In Mexico large sums had lately been expended by various companies, for the purpose of raising metal, and in proportion as adventurers were successful in procuring large quantities either of gold or silver, one would be comparatively cheaper than the other; and he thought it unwise to afford to either of the parties, debtor or creditor, the means of taking advantage of such accidental circumstances.—He wished to say a few words with reference to the country bankers. They, and others who acted upon the same principle, had done much that militated against a sound currency. They seemed to imagine, that a low rate of interest for money was a proof that there was a sufficiency of the circulating medium. That opinion was not correct. The fact was, that there were two circumstances that might produce a low rate of interest, without affecting the quantity of the circulating medium. When the interest fell from three to four per cent, bankers imagined that there was a redundancy of the circulating medium, and diminished the amount of their issues; but if they went to market, they would often find that at the same time the farmer was much pressed for ready money, and could hardly procure it in payment of his corn. That mistake had sometimes led to the most detrimental consequences in this country, and the necessary quantity of circulating medium had often been withheld when it was most wanted. He was afraid that many gentlemen had thought it necessary to support any measure that appeared to have for its object the increase of the circulating medium. He thought they did so under a mistake. If they adverted to the state of the foreign exchanges, they would see that those exchanges had always been in accordance with the state of the circulating medium, whatever that might be. If a large quantity of money was issued, the exchanges would be against this country, and money would go away. That would peculiarly be the case at the present moment. In consequence of the war that was now going on in one part of the continent, it was fair to suppose that persons abroad would be desirous of possessing themselves of funds that might be employed in the war; and that would create a cause of inconvenience to this country, in the event of an increase of circulating medium, and of the exchange being against us. He would only now add, that personally he was perfectly indifferent as to the course the House might think proper to take. He should be willing and anxious, as a bank director, to do every thing to carry their wishes into effect; and in times to come, as in those which had passed, he could have no desire but that of preserving for the country the best circulation that human ingenuity could invent.

Sir *H. Parnell* said, he had heard with great pleasure the observations of the hon. member for London upon the silver currency. He hoped the House would bestow on them the attention they deserved, from the high authority of the hon. member on subjects of this kind. The hon. member for Callington (Mr. Baring) had endeavoured to persuade the House to believe that it was right to alter the present plan of the silver coin; but, in doing so, he showed that he was not so well informed upon the subject as many might be disposed to believe he was. When he proposed this alteration in 1826, he (sir H. Parnell) opposed it; and every thing he had learned since made him feel he was right, and that he was supported by the best authorities on the question, out of this House. The fact was, that the last settlement of the coinage of this country, both of gold and silver, was perhaps the only instance in which the attempt to use both for coin had completely succeeded; the effects of all other countries had failed; there was, therefore, no doubt of the inexpediency of making any experiment founded on the theories of the hon. member for Callington. In this instance, all the facts of the case were against his project.

As to the general question of the currency and banking, he would now state to the House the opinions which he had formed, after a great deal of pains to form correct opinions. In the first place, he was sorry to find that ministers had made no change in theirs since 1826. He thought then, that they were very imperfectly acquainted with the subject: and further investigation, and the means of consulting the best informed persons, made him feel quite convinced he was right. The leading error of ministers was, and now is, their adopting the doctrine, that the commercial distress of 1825-6 was wholly owing to excessive issues of paper: this lead them to think a metallic currency was requisite to a large amount, and to have little confidence in the use of paper. The time that had elapsed since these notions were first published early in 1826, had served to clear up the errors on which they were founded; and it was now generally allowed by all those, who are deserving of credit for sound opinions on these subjects, that the over-trading of 1825-6 arose from commercial causes, but was aggravated by improper issues of paper.

As to a metallic currency, an abundance of instances existed to show that even in countries where there was no other, great commercial revulsions had occurred; bills of exchange and promissory notes served the purpose, in those instances, of bank notes, and enabled speculations to be carried on to a ruinous extent. There was the case of Hamburgh, mentioned in Mr. Tooke's works, and instances in this country, when but little bank paper was in circulation, that established the correctness of these observations. But those who advocate a metallic currency, wholly overlook the expense and loss of maintaining it. The twenty-two millions of gold now in circulation, which was a matter of so much satisfaction to the chancellor of the Exchequer, was so much dead capital. They had been taken out of useful employment in producing goods with a profit, to be employed without leading to any production, so that there was an annual loss on them of the average rate per cent of ordinary commercial profit, which, if taken so low as six per cent, made a loss of 1,320,000*l.* a year, and a further loss of the accumulation of profit on the annual profit.

With regard to paper-money, the whole tenor of the speech of the chancellor of the Exchequer shewed that he felt nothing but horror at the idea of having any thing to say to it. He obviously did not comprehend any of the proper functions of it in a commercial country; and therefore all the arguments and conclusions of his speech were necessarily wrong, because he started on premises which were at variance with every thing like sound principles, and long-tried experience on the subject. His speech made it necessary to state what the use was of paper-money, in order that the House might not be lead to adopt, by improperly restricting it, a course that would be destructive of the commercial prosperity of the country. It was only necessary to refer to the first elements of the silver currency, to show that a country, in proportion as it had a free use of paper, could keep its capital productively employed. Where there was no paper, or but little, every man in trade was obliged to keep a large sum of money in his coffer, to meet the demands of his business: this was so much dead capital; but, in a country where there was a general use of paper, the facility of obtaining money by discounting bills, enabled every man in trade to carry on his business with little or no idle money. In this way all the capital of the country was productively employed; but this was not all, for it was also more actively employed, there was more credit and confidence; and in this way every man could with safety extend his dealings, with the help of paper, greatly beyond what he could do without it. Instead, therefore, of looking with dread to the use of paper, the true principle was, that the more the currency of a commercial country consisted of paper, the more flourishing it would be, because its capital would be more efficient and more productive of wealth, and of the means of accumulating new wealth; this was the right principle of legislation, and in whatever degree we departed from it, we did injury. But, though this was undeniably true, it must be allowed that, if a country was placed under an absurd system of banking-laws, it would be very wrong to say, that the more the currency was composed of paper, the more it would be for the public good. This was just what was the case now. We had a most absurd banking system, and therefore it was right to be cautious in allowing a perfectly free use of paper, in order to check the tendency of the system to produce evil. It was in consequence of this, that, in 1826, he had voted for putting down small notes, and it was in consequence of the banking system being still the same that he should now vote against an attempt to restore small notes.

But, when he did this, he was not satisfied to follow the example of ministers, and make up his mind, that nothing more was necessary to be done with our currency and banking system. In doing this, they added another error to the many which had been already exposed, and from the same cause, which was from not being as well acquainted with the subject of banking and paper money, as they ought to be, to conduct legislation among them. They seemed to be quite insensible to the great defects of our banking-laws, and to have no notion of their influence in helping to disturb all commerce, and to fill the country with insecure paper. Our system consisted of one over-grown bank, sustained by monopoly, and allowed to exercise an unlimited power to issue paper-money to any amount the twenty-four gentlemen who governed it thought proper; while an unlimited power was given to open branch banks in the country, and to issue any amount of worthless notes. But the system not only gave them power of doing harm, it absolutely prohibited the possibility of having a general plan of sound country banks, by preventing the associating of that number of persons, and the collecting together of that amount of capital, which was necessary for forming a strong bank, by the restriction which prevented more than six persons from forming a company for issuing bank notes.

This being our banking system, the chancellor of the Exchequer was contented to do no more than to prevent the restoring of small notes, and to expel Scotch small notes from England. But, said the hon. baronet, it was to be hoped that the House would take a more general view of the question, and not suffer this absurd system to continue, at least without making some effort to get rid of it. It was, no doubt, then, that the charter of the Bank of England presented a difficulty, but not a difficulty of such a nature as to be insupportable. If this charter, by its influence on the currency, so seriously affected the interests of the public of any kind, in a way to expose them to be most grievously injured, there certainly could be means found to get rid of it; and ministers ought not to be suffered to shut the subject out of their consideration, and leave the country to take its chance as to what may happen in the next five years, with respect to banking and paper money. They should endeavour to make an arrangement with the Bank of England for removing the obstacles in the way of reforming the banking-laws; not only by getting rid of the limitation of the number of partners in a bank, but by paying off a large part of the debt due to the Bank, so that it might not have a capital greater than other banks might have. If ministers would propose such an arrangement to the Bank, and at the same time give them to understand that they would no longer pay them 260,000*l.* a year for doing their business, nor leave five millions of money idle in their hands, but that they would look out for another establishment to act for them, there would be very little doubt of a successful result; but if this course should fail, the object of removing the obstructions in the way of a sound system of banking, was of such immense importance to the public, that it would be better to pay the Bank a sum of money as a compensation for the profits they would make from the privilege, till the year 1833. There was scarcely any sum to which such a compensation could be reasonably carried, that would not be repaid with an immense return, by the benefits which the public would derive from having a sound system of paper currency.

It was not, the hon. baronet continued, possible now to deny, that paper-money may be freely used with perfect security; and all that seemed to be required to have it so was, the removal of all legislation on the subject. In Scotland, the freest use of paper had existed for more than a hundred years; then there was only one law, and that to prevent notes being issued under the value of 20*l.*, but then there had been only two failures, and no more loss to the public than the sum of 36,000*l.* Then there were no panics, or runs; and, although many persons attempted to deny the system, it was impossible to get over the conclusions which such facts sustained. The reason of the success of this free system seemed to be this, that it gave the power to the strong banks to combine together to lay down rules for their mutual protection against the interference of weak banks; for it has been by such combining together that all attempts to establish weak banks in Scotland had failed. The practice is, for all the banks to collect together the paper of a new and weak bank for some time, and then to call on it simultaneously for the payment of it. If a perfectly free system of banking was attained in this country, the motives of public and private interest would necessarily lead to a similar mode of doing banking business; and, in a short time, such banks as are now issuing paper, without having an adequate capital, would be obliged to retire.

With respect to the motion of the hon. member for Carlisle, if he had not made it so evident that the object of it was an alteration of the standard, and a scheme for raising prices and rents, he would have voted for it. He would never be a party to any plan for altering the standard; it was a most valuable triumph over a great deal of ignorance and private interest, the having restored it in 1819. It was now not only mischievous to try to change it, but it was to show utter want of the simplest principles of accuracy to suppose, that while paper money was convertible on demand into coin, the issuing of small notes, or any thing else, could have the effect of depreciating the whole money, and raising prices; it was equally ignorant to suppose that, if a depreciation of money could be thus accomplished, it would be of any benefit to landlords, because the rise of prices would be only nominal.

As to the bill for preventing the circulation of Scotch small notes in England, this was a most uncalled-for piece of legislation. Its first effect would be, to do a great injury to those who now made use of their notes; the inhabitants of the northern counties had declared this in their petition; they said they had derived great advantages from the use of Scotch paper, that they had lost nothing by Scotch bank failures, while they had lost a great deal by the failure of English banks. The effect of removing Scotch notes must be an evil, either by substituting English paper in their place, of questionable security, or gold at the expense to the public of providing that gold. As to the idea of English banks setting up in Scotland close to the borders, if the proposed bill was not to pass, this would be a good measure, because such banks would be obliged to conform to the Scotch rules, and thereby would probably become better banks than they now are.

In respect to what had been said by the hon. member for Callington, about the Scotch notes finding their way to London, the total want of foundation for this conjecture was made evident by the fact, that previous to 1797, when there was no small notes in England, Scotch small notes did not so find their way up to London. The hon. member concluded by saying, that he found himself under the necessity of opposing both the motions before the House, but declared he was ready to support the member for Carlisle, if he would bring forward a motion, having for its object, the reformation of the banking system.

APPENDIX.

APPENDIX.

FINANCE ACCOUNTS

FOR THE YEAR ENDED 5TH JANUARY, 1828.

CLASS.

I. - - - Public Income.
II. - - - Public Expenditure
III. - - - Consolidated Fund.
IV. - - - Public Funded Debt.
V. - - - Unfunded Debt.
VI. - - - Disposition of Grants.
VII. - - - Arrears and Balances.
VIII. - - - Trade and Navigation.

No. I.—An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES, IRELAND, for the Year

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties of the Nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Resources.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	21,009,052	10	4¼	1,069,659	14	6¼	19,939,392	15	10
Excise	22,224,443	15	8¼	2,231,217	7	10	19,993,226	7	10¼
Stamps	7,275,552	16	4¾	255,046	13	4½	7,020,506	4	0¼
Taxes, under the Management of the Commissioners of Taxes	5,092,078	9	5¼	8,363	18	5	5,083,714	11	0¼
Post Office	2,278,412	14	7¼	88,055	10	9¼	2,190,357	3	10
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	63,842	11	7¾	-	-	-	63,842	11	7¾
Hackney Coaches, and Hawkers and Pedlars	72,254	14	11	-	-	-	72,254	14	11
Crown Lands	317,027	0	7	-	-	-	317,027	0	7
Small Branches of the King's Hereditary Revenue	9,172	11	7	-	-	-	9,172	11	7
Surplus Fees of Regulated Public Offices	65,995	14	0¼	-	-	-	65,995	14	0¼
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	9,896	8	0	-	-	-	9,896	8	0
TOTALS of Ordinary Revenues	58,417,729	7	2¾	3,652,343	3	11	54,765,386	3	3¼
Other Resources.									
Money received from the East-India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0	-	-	-	60,000	0	0
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3, c. 34, for the Employment of the Poor	272,877	0	10	-	-	-	272,877	0	10
Money received from the Trustees of Naval and Military Pensions	4,245,000	0	0	-	-	-	4,245,000	0	0
From several County Treasurers, and others in Ireland, on account of Advances made by the Treasury, for improving Post Roads, for building Gaols, for the Police, for Public Works, Employment of the Poor, &c.	172,983	17	9½	-	-	-	172,983	17	9½
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	378,788	13	7¼	-	-	-	378,788	13	7¼
Money brought from the Civil List on account of the Clerk of the Hanaper	2,500	0	0	-	-	-	2,500	0	0
Repayment on account of Money advanced out of the Consolidated Fund, in the year 1825, for Silver Coinage	199,634	5	2	-	-	-	199,634	5	2
From the Bank of England, on account of Unclaimed Dividends	19,158	13	8	-	-	-	19,158	13	8
TOTALS of the Public Income of the United Kingdom	63,768,671	18	3½	3,652,343	3	11	60,116,328	14	4½

Whitehall, Treasury Chambers,
6th March, 1828.

constituting the PUBLIC INCOME of the United Kingdom of Great Britain and ended 5th January, 1828.

TOTAL INCOME, including BALANCES outstanding 5th Jan. 1827.			Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1828.			TOTAL DISCHARGE of the INCOME.			Rate per cent for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
20,519,778	11	7⅞	2,225,620	1	6¼	17,894,405	4	1	399,753	6	0⅝	20,519,778	11	7⅞	7	1	10¼
20,995,324	11	8⅛	1,513,780	17	1⅝	18,438,707	4	7¼	1,042,836	9	11¼	20,995,324	11	8⅛	5	11	3½
7,298,894	17	0	191,557	14	11½	6,811,226	8	0	296,110	14	0½	7,298,894	17	0	2	12	8
5,186,874	14	10¼	315,850	1	7¾	4,768,273	6	3	102,751	6	11½	5,186,874	14	10¼	5	16	6½
2,384,138	6	1	742,404	8	5½	1,463,000	0	0	178,733	17	7½	2,384,138	6	1	30	8	11
66,960	4	10¾	1,447	9	9	62,409	9	10¾	3,103	5	3	66,960	4	10¾	2	5	4
72,631	12	11	9,765	2	6	62,689	0	0	177	10	5	72,631	12	11	13	10	3½
341,803	14	9¾	264,846	11	9¼	-	-	-	76,957	3	0½	341,803	14	9¾	14	3	8½
12,973	1	9¾	3,214	2	10	4,973	7	11	4,785	11	0¾	12,973	1	9¾	13	4	8½
65,995	14	0¼	-	-	-	65,995	14	0¼	-	-	-	65,995	14	0¼		—	
9,896	8	0	-	-	-	9,896	8	0	-	-	-	9,896	8	0		—	
56,955,271	17	8¾	5,268,486	10	6⅞	49,581,576	2	9¼	2,105,209	4	4⅝	56,955,271	17	8¾	6	15	9½
60,000	0	0	-	-	-	60,000	0	0	-	-	-	60,000	0	0		—	
272,877	0	10	-	-	-	272,877	0	10	-	-	-	272,877	0	10		—	
4,245,000	0	0	-	-	-	4,245,000	0	0	-	-	-	4,245,000	0	0		—	
172,983	17	9½	-	-	-	172,983	17	9½	-	-	-	172,983	17	9½		—	
378,788	13	7¼	-	-	-	378,788	13	7¼	-	-	-	378,788	13	7¼		—	
2,500	0	0	-	-	-	2,500	0	0	-	-	-	2,500	0	0		—	
199,634	5	2	-	-	-	199,634	5	2	-	-	-	199,634	5	2		—	
19,158	13	8	-	-	-	19,158	13	8	-	-	-	19,158	13	8		—	
62,306,214	8	9½	5,268,486	10	6⅞	54,932,518	13	10	2,105,209	4	4⅝	62,306,214	8	9½		—	

GEO. R. DAWSON.

No. II.—An Account of the ORDINARY REVENUES and EXTRAORDINARY
the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties of the Nature of Drawbacks.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	19,003,994	14	0½	1,041,100	5	5	17,962,894	8	7½
Excise	20,447,775	18	1	2,208,765	3	9½	18,239,010	14	3½
Stamps	6,793,898	12	8	244,149	15	6	6,549,748	17	2
Taxes, under the Management of the Commissioners of Taxes	5,092,078	9	5¼	8,363	18	5	5,083,714	11	0¼
Post Office	2,062,179	15	8¼	69,730	8	7¾	1,992,449	7	0½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	63,842	11	7¾	-	-	-	63,842	11	7¾
Hackney Coaches, and Hawkers and Pedlars	72,254	14	11	-	-	-	72,254	14	11
Crown Lands	317,027	0	7	-	-	-	317,027	0	7
Small Branches of the King's Hereditary Revenue	9,172	11	7	-	-	-	9,172	11	7
Surplus Fees of Regulated Public Offices	65,995	14	0¼	-	-	-	65,995	14	0¼
TOTALS of Ordinary Revenues	53,928,220	2	8	3,572,109	11	9¼	50,356,110	10	10¾
Other Resources.									
Money received from the East India Company on Account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0	-	-	-	60,000	0	0
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3, c. 34, for the Employment of the Poor	272,877	0	10	-	-	-	272,877	0	10
Money received from the Trustees of Naval and Military Pensions	4,245,000	0	0	-	-	-	4,245,000	0	0
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	365,120	17	2¼	-	-	-	365,120	17	2¼
Money brought from the Civil List on account of the Clerk of the Hanaper	2,500	0	0	-	-	-	2,500	0	0
Repayment on Account of Money advanced out of the Consolidated Fund in the year 1825, for Silver Coinage	199,634	5	2	-	-	-	199,634	5	2
From the Bank of England on Account of Unclaimed Dividends	19,158	13	8	-	-	-	19,158	13	8
TOTALS of the Public Income of Great Britain	59,092,510	19	6¼	3,572,109	11	9¼	55,520,401	7	9

Whitehall, Treasury Chambers,
9th March, 1827.

RESOURCES constituting the PUBLIC INCOME of GREAT BRITAIN, for 5th January, 1828.

TOTAL INCOME, including BALANCES outstanding 5th Jan. 1827.			Charge of Collection and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1828.			TOTAL DISCHARGE of the INCOME.			Rate per cent for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
18,495,609	0	3¾	1,751,661	17	3¼	16,391,839	1	5	352,108	1	7½	18,495,609	0	3¾	6	2	0
19,145,179	13	8½	1,176,184	2	1	16,969,565	12	2¼	999,429	19	5¼	19,145,179	13	8½	4	17	8¾
6,817,106	16	1¼	157,974	1	7¾	6,375,140	15	0	283,991	19	5½	6,817,106	16	1¼	2	6	6
5,186,874	14	10¼	315,850	1	7¾	4,768,273	6	3	102,751	6	11½	5,186,874	14	10¼	5	16	6½
2,138,829	15	4½	625,595	11	1½	1,385,000	0	0	128,234	4	3	2,138,829	15	4½	28	17	2¾
66,960	4	10¾	1,447	9	9	62,409	9	10¾	3,103	5	3	66,960	4	10¾	2	5	4
72,631	12	11	9,765	2	6	62,689	0	0	177	10	5	72,631	12	11	13	10	3½
341,803	14	9¾	264,846	11	9¼	-	-	-	76,957	3	0½	341,803	14	9¾	14	3	8½
12,973	1	9¾	3,214	2	10	4,973	7	11	4,785	11	0¼	12,973	1	9¾	13	4	9
65,995	14	0¼	-	-	-	65,995	14	0¼	-	-	-	65,995	14	0¼		—	
52,343,964	8	9¾	4,306,539	0	7½	46,085,886	6	8¼	1,951,539	1	6	52,343,964	8	9¾	6	1	1½
60,000	0	0	-	-	-	60,000	0	0	-	-	-	60,000	0	0		—	
272,877	0	10	-	-	-	272,877	0	10	-	-	-	272,877	0	10		—	
4,245,000	0	0	-	-	-	4,245,000	0	0	-	-	-	4,245,000	0	0		—	
365,120	17	2¼	-	-	-	365,120	17	2¼	-	-	-	365,120	17	2¼		—	
2,500	0	0	-	-	-	2,500	0	0	-	-	-	2,500	0	0		—	
199,634	5	2	-	-	-	199,634	5	2	-	-	-	199,634	5	2		—	
19,158	13	8	-	-	-	19,158	13	8	-	-	-	19,158	13	8		—	
57,508,255	5	8	4,306,539	0	7½	51,250,177	3	6½	1,951,539	1	6	57,508,255	5	8		—	

GEO. R. DAWSON.

No. II.—An Account of the ORDINARY REVENUES and EXTRAORDINARY ended 5th

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Drawbacks, Discounts, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Ordinary Revenue.									
Customs	2,005,057	16	3¾	28,559	9	1¼	1,976,498	7	2½
Excise	1,776,667	17	7¼	22,452	4	0½	1,754,215	13	6¾
Stamps	481,654	3	8¾	10,896	16	10½	470,757	6	10¼
Post Office	216,232	18	11	18,325	2	1½	197,907	16	9½
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	9,896	8	0	-	-	-	9,896	8	0
TOTALS of Ordinary Revenues	4,489,509	4	6¾	80,233	12	1¾	4,409,275	12	5
Other Resources.									
From the Provost and Fellows of Trinity College, on Account of Advances made by the Treasury for completing the North Square of the said College, per Act 54 Geo. 3, c. 67	1,107	13	10	-	-	-	1,107	13	10
From the Board of Health, on Account of Advances for preventing Contagion, per Act 58 Geo. 3, c. 47	867	19	3½	-	-	-	867	19	3½
From several County Treasurers, and others:									
On Account of Advances made by the Treasury for improving Post Roads in Ireland, under Act 45 Geo. 3, c. 43	6,549	5	11¼	-	-	-	6,549	5	11¼
On Account of Advances made by the Treasury for building Gaols, under Act 50 Geo. 3, c. 103	27,623	5	6¼	-	-	-	27,623	5	6¼
On Account of Advances made by the Treasury, for Police in proclaimed Districts, under Acts 54 Geo. 3, c. 131 and 180, and 3 Geo. 4, c. 103	105,752	6	0	-	-	-	105,752	6	0
On Account of Advances made by the Treasury for Public Works and Employment of the Poor, under Acts 57 Geo. 3, c. 34 & 124, and 3 Geo. 4, c. 112, and 3 Geo. 4, c. 84	29,788	4	9½	-	-	-	29,788	4	9½
Repayment on Account of Advances made for Remuneration to Commissioners of Tithes, per Act 4 Geo. 4, c. 99	1,295	2	5	-	-	-	1,295	2	5
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	13,667	16	5	-	-	-	13,667	16	5
TOTALS of the Public Income of Ireland	4,676,160	18	9¼	80,233	12	1¾	4,595,927	6	7½

Whitehall, Treasury Chambers,
6th March, 1828.

Resources, constituting the PUBLIC INCOME of Ireland, for the Year January, 1828.

TOTAL INCOME including BALANCES outstanding 5th Jan. 1827.			Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1828.			TOTAL DISCHARGE of the INCOME.			Rate per cent for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
2,024,169	11	4⅛	473,958	4	3	1,502,566	2	8	47,645	4	5⅛	2,024,169	11	4⅛	16	10	0¼
1,850,144	17	11⅝	337,596	15	0⅝	1,469,141	12	5	43,406	10	6	1,850,144	17	11⅝	13	7	6¼
481,788	0	10¾	33,583	13	3¾	436,085	13	0	12,118	14	7	481,788	0	10¾	6	19	5¼
245,308	10	8½	116,808	17	4	78,000	0	0	50,499	13	4½	245,308	10	8½	45	11	2
9,896	8	0	-	-	-	9,896	8	0	-	-	-	9,896	8	0	—		
4,611,307	8	11	961,947	9	11⅜	3,495,689	16	1	153,670	2	10⅛	4,611,307	8	11	15	12	1¼
1,107	13	10	-	-	-	1,107	13	10	-	-	-	1,107	13	10	—		
867	19	3½	-	-	-	867	19	3½	-	-	-	867	19	3½	—		
6,549	5	11¼	-	-	-	6,549	5	11¼	-	-	-	6,549	5	11¼	—		
27,623	5	6¼	-	-	-	27,623	5	6¼	-	-	-	27,623	5	6¼	—		
105,752	6	0	-	-	-	105,752	6	0		-	-	105,752	6	0	—		
29,788	4	9½	-	-	-	29,788	4	9½	-	-	-	29,788	4	9½	—		
1,295	2	5	-	-	-	1,295	2	5	-	-	-	1,295	2	5	—		
13,667	16	5	-	-	-	13,667	16	5	-	-	-	13,667	16	5	—		
4,797,959	3	1½	961,947	9	11⅜	3,682,341	10	3½	153,670	2	10⅛	4,797,959	3	1½	—		

GEO. R. DAWSON.

No. I.—An Account of the TOTAL INCOME of the Revenue of Great Bri-
Repayments, Allowances, Discounts, Drawbacks, and Bounties of the nature
DITURE of the United Kingdom, exclusive of the Sums ap-

HEADS OF REVENUE.	NETT RECEIPT as stated in Account of Public Income.			———		
ORDINARY REVENUES.	£.	s.	d.	£.	s.	d.
Balances and Bills outstanding on 5th January 1827	-	-	-	2,189,885	14	5
Customs	19,939,392	15	10			
Excise	19,993,226	7	10¼			
Stamps	7,020,506	4	0¼			
Taxes	5,083,714	11	0¼			
Post Office	2,190,357	3	10			
One Shilling and Sixpenny Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions	63,842	11	7¾			
Hackney Coaches, and Hawkers and Pedlars	72,254	14	11			
Crown Lands	317,027	0	7			
Small Branches of the King's Hereditary Revenue	9,172	11	7			
Surplus Fees of Regulated Public Offices	65,995	14	0¼			
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	9,896	8	0			
				54,765,386	3	3¾
				56,955,271	17	8¾
Deduct Balances and Bills outstanding on 5th January 1828	-	-	-	2,105,209	4	4⅝
Total Ordinary Revenues	-	-	-	54,850,062	13	4⅛
OTHER RESOURCES.						
Money received from the East India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0			
From the Commissioners for the issue of Exchequer Bills, per Act 57 Geo. 3, c. 34, for the employment of the Poor	272,877	0	10			
Money received from the Trustees of Naval and Military Pensions	4,245,000	0	0			
Money received in Ireland on account of Advances from the Consolidated Fund, under various Acts for Public Improvement	172,983	17	9½			
Imprest and other Monies paid into the Exchequer	378,788	13	7¼			
Money brought from the Civil List, on account of the Clerk of the Hanaper	2,500	0	0			
Repayment on account of Money advanced out of the Consolidated Fund, in the year 1825, for Silver Coinage	199,634	5	2			
From the Bank of England, on account of Unclaimed Dividends	19,158	13	8			
				5,350,942	11	0¾
				60,201,005	4	4⅞
Balances in the hands of Receivers, &c. on 5th January 1827				2,189,885	14	5
Ditto on 5th January 1828				2,105,209	4	4⅝
Balances less in 1828 than in 1827				84,676	10	0⅜
Surplus Income paid into Exchequer over Expenditure thereout				1,132,226	14	2½
Actual Excess of Income over Expenditure				1,047,550	4	2⅛

Whitehall, Treasury Chambers,
6th March, 1828.

TAIN and IRELAND, in the Year ended 5th January 1828, after deducting the of Drawbacks; together with an Account of the PUBLIC EXPEN- plied to the Reduction of the National Debt within the same Period.

EXPENDITURE.	—			—		
PAYMENTS OUT OF THE INCOME in its progress to the Exchequer:	£.	s.	d.	£.	s.	d.
Charges of Collection	3,966,456	13	5¾			
Other Payments	1,302,029	17	1⅛			
TOTAL Payments out of the Income, prior to the Payments into the Exchequer	-	-	-	5,268,486	10	6⅞
PAYMENTS OUT OF THE EXCHEQUER:						
Dividends, Interest, and Management of the Public Funded Debt, four Quarters to 10th October 1827, exclusive of 5,704,706*l.* 13*s.* 10*d.* issued to the Commissioners for the Reduction of the National Debt	27,366,601	7	0			
Interest on Exchequer Bills	873,246	12	3	28,239,847	19	3
Issued to the Trustees of Naval and Military Pensions, per Act 3 Geo. 4, c. 51	2,214,260	0	0			
Ditto - - Bank of England, per Act 4 Geo. 4, c. 22	585,740	0	0	2,800,000	0	0
Civil List	1,057,000	0	0			
Pensions charged by Act of Parliament on Consolidated Fund, four Quarters to 10th October 1827	365,908	15	1½			
Salaries and Allowances	80,896	1	5¼			
Courts of Justice	148,047	8	7¼			
Mint	14,750	0	0			
Bounties	2,956	13	8			
Miscellaneous	245,459	9	11			
Ditto - - Ireland	303,199	19	0	2,218,218	7	9
For the purchase of the Duke of Athol's Interest in the Public Revenues of the Isle of Man	134,200	0	0			
Towards rebuilding London Bridge, per Act 7 Geo. 4, c. 40	120,000	0	0	254,200	0	0
Army	7,876,682	8	2½			
Navy	6,414,727	4	0			
Ordnance	1,914,403	0	0			
Miscellaneous	2,863,247	19	5	19,069,060	11	7½
Lottery Prizes	193,044	0	0			
Bank of England, for Discount and Management in the Funding 8,000,000*l.* Exchequer Bills	36,267	1	3			
By the Commissioners for issuing Exchequer Bills, per Act 3 Geo. 4, c. 86, for the Employment of the Poor	551,900	0	0			
Advances out of the Consolidated Fund in Ireland, for Public Works	437,753	19	9	1,218,965	1	0
TOTAL				59,068,778	10	2⅜
Surplus of Income paid into Exchequer, over Expenditure issued thereout				1,132,226	14	2½
				60,201,005	4	4⅞

GEO. R. DAWSON.

No. II.—An Account of the Nett PUBLIC INCOME of the United Kingdom of the Expenditure thereout, defrayed by the several Revenue Depart- exclusive of the Sums applied to the Redemption

INCOME.	Applicable to the Consolidated Fund.			Applicable to other Public Services.			Income paid into the Exchequer.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	15,255,612	0	8	2,638,793	3	5	17,894,405	4	1
Excise	18,438,707	4	7¼	-	-	-	18,438,707	4	7¼
Stamps	6,811,226	8	0	-	-	-	6,811,226	8	0
Taxes under the management of the Commissioners of Taxes, including Arrears of Property Tax	4,768,273	6	3	-	-	-	4,768,273	6	3
Post Office	1,463,000	0	0	-	-	-	1,463,000	0	0
One Shilling and Sixpence Duty on Pensions and Salaries; and Four Shillings in the Pound on Pensions	62,409	9	10¾	-	-	-	62,409	9	10¾
Hackney Coaches, and Hawkers and Pedlars	62,689	0	0	-	-	-	62,689	0	0
Small Branches of the King's Hereditary Revenues	4,973	7	11	-	-	-	4,973	7	11
Surplus Fees of regulated Public Offices	65,995	14	0¼	-	-	-	65,995	14	0¼
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees in Ireland	9,896	8	0	-	-	-	9,896	8	0
TOTAL Ordinary Revenue	-	-	-	-	-	-	49,581,576	2	9¼
Mint repayments on account of Silver Coin	199,634	5	2	-	-	-	199,634	5	2
Brought from Civil List, on account of the Clerk of the Hanaper	2,500	0	0	-	-	-	2,500	0	0
Imprest and other Monies paid into the Exchequer	372,829	5	2¾	5,959	8	4½	378,788	13	7¼
By the East India Company, on account of retired Pay, Pensions, &c. of his Majesty's Forces serving in India, per Act 4 Geo. 4, c. 71	-	-	-	60,000	0	0	60,000	0	0
By the Trustees of Naval and Military Pensions, &c.	-	-	-	4,245,000	0	0	4,245,000	0	0
Money paid by the Bank of England, on account of Unclaimed Dividends, &c.	-	-	-	19,158	13	8	19,158	13	8
By the Commissioners for issuing Exchequer Bills for Public Works	-	-	-	272,877	0	10	272,877	0	10
Money repaid in Ireland, on account of advances from the Consolidated Fund, under various Acts for Public Improvements	172,983	17	9½	-	-	-	172,983	17	9½
	47,690,730	7	6½	7,241,788	6	3½	54,932,518	13	10

Whitehall, Treasury Chambers,
20th February, 1828.

GREAT BRITAIN and IRELAND, in the Year ended 5th January, 1828, after abating
ments, and of the Actual Issues or Payments within the same period,
of Funded Debt, or for paying off Unfunded Debt.

EXPENDITURE.	£.	s.	d.	Nett Expenditure. £.	s.	d.
Dividends, Interest, and Management of the Public Funded Debt, four quarters to 10th October 1827, exclusive of 5,704,706*l.* 13*s.* 10*d.* issued to the Commissioners for the Reduction of the National Debt	27,366,601	7	0			
Interest on Exchequer Bills	873,246	12	3	28,239,847	19	3
Issued to the Trustees of Naval and Military Pensions, per Act 3 Geo. 4, c. 51	2,214,260	0	0			
Ditto - - Bank of England - - - - 4 Geo. 4, c. 22	585,740	0	0	2,800,000	0	0
Civil List, four quarters to 5th January 1828	1,057,000	0	0			
Pensions charged by Act of Parliament, on Consolidated Fund, four quarters to 10th Oct. 1827	365,908	15	1½			
Salaries and Allowances - - - Ditto	80,896	1	5¼			
Courts of Justice - - - - Ditto	148,047	8	7¼			
Mint - - - - - - Ditto	14,750	0	0			
Bounties - - - - - Ditto	2,956	13	8			
Miscellaneous - - - - Ditto	245,459	9	11			
Ditto - Ireland - - - Ditto	303,199	19	0			
For the Purchase of the Duke of Athol's Interests in the Public Revenues of the Isle of Man	134,200	0	0			
Advanced towards rebuilding London Bridge, per Act 7 Geo. 4, c. 40	120,000	0	0	2,472,418	7	9
Army	7,876,682	8	2½			
Navy	6,414,727	4	0			
Ordnance	1,914,403	0	0			
Miscellaneous	2,863,247	19	5	19,069,060	11	7½
TOTAL	-	-	-	52,581,272	18	7½
Lottery Prizes	193,044	0	0			
Bank of England, for Discount and Management in the Funding 8,000,000*l.* Exchequer Bills	36,267	1	3			
By the Commissioners for issuing Exchequer Bills, per Act 3 Geo. 4, c. 86, for the Employment of the Poor	551,900	0	0			
Advances out of the Consolidated Fund in Ireland, for Public Works	437,753	19	9	989,653	19	9
TOTAL				53,800,291	19	7½
Surplus of Income over Expenditure thereout				1,132,226	14	2½
				54,932,518	13	10

GEO. R. DAWSON.

No. III.—An Account of the BALANCE of PUBLIC MONEY remaining in the
to the FUNDED or UNFUNDED DEBT, in the Year ended 5th January,
or paying off the Unfunded Debt, within the same period; and

				£.	s.	d.
Balances in the Exchequer on 5th January 1827				5,119,555	3	9¼
Contributions towards funding 8,000,000*l.* of Exchequer Bills				168,878	5	0
MONEY RAISED In the Year ended 5th January 1828, by the creation of Unfunded Debt:						
	£.	s.	d.			
Exchequer Bills issued per Act 7 Geo. 4, c. 50	4,333,200	0	0			
Ditto - - - 7 - - - 2	10,000,000	0	0			
Ditto - - - 7 & 8 - - 41	13,117,500	0	0			
Ditto raised on the credit of Sugar Duties, &c. 7 & 8 Geo. 4, c. 7.	3,000,000	0	0			
Ditto Poor Bills - - - - - 3 Geo. 4. c. 86	551,900	0	0			
Ditto Church Bills - - 58 Geo. 3, c. 45, & 5 Geo. 4, c. 103	182,300	0	0			
				31,184,900	0	0
TOTAL				36,473,333	8	9¼
Surplus of Income over Expenditure thereout				1,132,226	14	2½
				37,605,560	2	11¾

Whitehall, Treasury Chambers,
20th February, 1828.

Exchequer on the 5th January, 1827; the amount of Money raised by aditidons
1828; the Money applied towards the Redemption of the Funded,
the Money remaining in the Exchequer on the 5th January, 1828.

APPLIED BY

The Commissioners for the Reduction of the National Debt in the Redemption of Funded Debt.

	£.	s.	d.	£.	s.	d.
Sinking Fund, Unredeemed Funded Debt	5,000,000	0	0			
Interest on Redeemed - - - Ditto	704,706	13	10			
				5,704,706	13	10
UNFUNDED DEBT.						
Issued to the Paymasters of Exchequer Bills, to pay off Unfunded Debt				27,672,100	0	0
				33,376,806	13	10
Balances in the Exchequer at 5th January 1828				4,228,753	9	1¾
				37,605,560	2	11¾

N. B.—The Sum of £.5,704,706 13*s.* 10*d.* applied by the Commissioners for the Reduction of the National Debt to the purposes of the Sinking Fund, was disposed of as follows; viz.

	£.	s.	d.
By Purchase of Stock	4,727,345	15	10
By cancelling Exchequer Bills issued to pay £.4 per cent Dissentients	383,800	0	0
By Interest on Exchequer Bills charged on Sinking Fund	2,759	0	4
By Life Annuities	590,447	4	9
By fractional differences on the conversiono f Irish Stock into British Currency, per 6 Geo. 4, c, 79	354	12	11
	5,704,706	13	10

GEO. R. DAWSON.

No. I.—An Account of the Income of the CONSOLIDATED FUND arising in the 1828; and also of the Actual Payments on account

	£.	s.	d.
The Total Income applicable to the Consolidated Fund	47,690,730	7	6½
	47,690,730	7	6½

Whitehall, Treasury Chambers, 20th February, 1828.

No. II.—An Account of the MONEY applicable to the Payment of the CHARGE of the 1828, and of the several CHARGES which have become due thereon, charged upon the said Fund, at the commence-

	£.	s.	d.	£.	s.	d.	£.	s.	d.
Income arising in Great Britain							44,008,388	17	3
Income arising in Ireland				3,682,341	10	3½			
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1827				246,417	10	4			
				3,928,759	0	7½			
Deduct the Sum paid out of the Consolidated Fund, towards the Supplies, in the Quarter ended 5th day of January 1828	252,759	3	4¾						
				252,759	3	4¾			
							3,675,999	17	2¾
Total Sum applicable to the Charge of the Consolidated Fund, in the Year ended 5th day of January 1828							47,684,388	14	5¾
Exchequer Bills to be issued to complete the Payment of the Charge, to 5th day of January 1828							6,617,800	17	10¾
							54,302,189	12	4½

Whitehall, Treasury Chambers, 20th February, 1828.

United Kingdom of GREAT BRITAIN and IRELAND, in the Year ended 5th January, of the CONSOLIDATED FUND within the same period.

HEADS OF PAYMENT.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 10th October, 1827	33,071,308	0	10
Interest on Exchequer Bills issued upon the credit of the Consolidated Fund	71,060	7	4
Trustees for Naval and Military Pensions, per Act 3 Geo. 4, c. 51	2,214,260	0	0
Bank of England - - - - per Act 4 Geo. 4, c. 22	585,740	0	0
Civil List, 4 Quarters to 5th January 1828	1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 10th October, 1827	365,908	15	1½
Salaries and Allowances - - - - - do. - - - -	80,896	1	5¼
Officers of Courts of Justice - - - - do. - - - -	148,047	8	7¼
Expenses of the Mint - - - - - - do. - - - -	14,750	0	0
Bounties - - - - - - - - do. - - - -	2,956	13	8
Miscellaneous - - - - - - - do. - - - -	499,659	9	11
Do. - - - Ireland - - - - - - do. - - - -	303,199	18	11¾
Advances out of the Consolidated Fund in Ireland, for Public Works	437,753	19	9
	38,852,540	15	7¾
SURPLUS of the CONSOLIDATED FUND	8,838,189	11	10¾
	47,690,730	7	6½

GEO. R. DAWSON.

CONSOLIDATED FUND of the United Kingdom, in the Year ended 5th January, in the same year, including the Amount of EXCHEQUER BILLS ment and at the termination of the Year.

HEADS OF CHARGE.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 5th January, 1828	33,071,054	16	4½
Interest on Exchequer Bills issued upon the credit of the Consolidated Fund	72,510	2	1½
Trustees for Naval and Military Pensions, per Act 3 Geo. 4, c. 51	2,214,860	0	0
Bank of England - - - - - - 4 Geo. 4, c. 22	585,740	0	0
Civil List, 4 Quarters to 5th January, 1828	1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 5th January, 1828	373,018	15	4¾
Salaries and Allowances - - - - - do. - - - -	83,497	15	10
Officers of Courts of Justice - - - - - do. - - - -	147,791	3	7¼
Expenses of the Mint - - - - - - do. - - - -	14,750	0	0
Bounties - - - - - - - - do. - - - -	2,956	13	8
Miscellaneous - - - - - - - do. - - - -	473,966	5	2
Do. - - Ireland - - - - - - do. - - - -	305,245	6	6¾
Advances out of the Consolidated Fund in Ireland, for Public Works	437,753	19	9
	38,839,544	18	5¼
Exchequer Bills issued to make good the charge of the Consolidated Fund, to 5th January, 1827	5,703,718	11	0¼
	44,543,263	9	5½
SURPLUS of the CONSOLIDATED FUND	9,758,926	2	11
	54,302,189	12	4½

GEO. R. DAWSON.

An Account of the State of the PUBLIC FUNDED DEBTS of Great Britain the Debt incurred by

DEBT.

——	1. CAPITALS.			2. CAPITALS redeemed and transferred to the Commissioners.			3. CAPITALS UNREDEEMED.		
GREAT BRITAIN.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Debt due to the South Sea Company - - at £3. per cent	3,662,784	8	6½	-	-	-	3,662,784	8	6½
Old South Sea Annuities - do.	4,574,870	2	7	701,000	0	0	3,873,870	2	7
New South Sea Annuities - do.	3,128,330	2	10	374,500	0	0	2,753,830	2	10
South Sea Annuities, 1751 - do.	707,600	0	0	58,500	0	0	649,100	0	0
Debt due to the Bank of England do.	14,686,800	0	0	-	-	-	14,686,800	0	0
Bank Annuities, created in 1726 do.	1,000,000	0	0	434	1	0	999,565	19	0
Consolidated Annuities - - do.	369,138,418	13	5¼	11,893,258	15	6	357,245,159	17	11¼
Reduced Annuities - - - do.	133,254,182	5	6	6,366,989	3	3	126,887,193	2	3
TOTAL at £.3 per cent	530,152,985	12	10¾	19,394,681	19	9	510,758,303	13	1¾
Annuities - - at 3½ per cent	15,062,449	13	9	773,438	0	0	14,289,011	13	9
Reduced Annuities at - - do.	73,373,495	19	0	5,854,256	16	9	67,519,239	2	3
New 4 per cent Annuities	145,696,842	11	3	137,030	2	2	145,559,812	9	1
Annuities created 1826, at 4 per cent ...	8,560,000	0	0	-	-	-	8,560,000	0	0
Great Britain	772,845,773	16	10¾	26,159,406	18	8	746,686,366	18	2¾
In IRELAND.									
Irish Consolidated £.3 per cent Annuities	2,209,276	17	7	11	17	10	2,209,264	19	9
Irish Reduced £.3 per cent Annuities ...	418,338	11	7	2	10	0	418,336	1	7
£.3½ per cent Debentures and Stock ...	14,393,426	5	10	898,794	17	6	13,494,631	8	4
Reduced £.3½ per cent Annuities.........	1,958,025	11	7	366,957	1	11	1,591,068	9	8
Debt due to the Bank of Ireland at £.4 per cent	1,615,384	12	4	-	-	-	1,615,384	12	4
New £.4 per cent Annuities...............	10,446,659	18	6	205	0	3	10,446,454	18	3
Debt due to the Bank of Ireland at £.5 per cent	1,015,384	12	4	-	-	-	1,015,384	12	4
Ireland	32,056,496	9	9	1,265,971	7	6	30,790,525	2	3
TOTAL United Kingdom ...	804,902,270	6	7¾	27,425,378	6	2	777,476,892	0	5¾

——	STOCK.		
	£.	s.	d.
Note.—THE above Columns, 1 & 2, show the Totals of Debt of the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament, and by redemption of Land Tax, amounting to...	484,597,051	11	10

and IRELAND, and of the CHARGE thereupon at the 5th January, 1828, including 7,500,000*l.* raised in 1824.

CHARGE.

——		IN GREAT BRITAIN.			IN IRELAND.			TOTAL ANNUAL CHARGE.		
		£.	*s.*	*d.*	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
Sinking Fund.	The Annual Sum of 5,000,000*l.*, directed to be issued per 4 Geo. 4, c. 19, towards the reduction of the National Debt of the United Kingdom	4,840,000	0	0	160,000	0	0			
	Annual Interest on Stock standing in the names of the Commissioners	809,865	0	10½	44,309	18	11¼			
	Long Annuities - - do	9,193	4	8½	—					
		5,659,058	5	7	204,309	18	11¼			
Due to the Public Creditor.	Annual Interest on Unredeemed Debt	24,350,830	7	8½	1,140,070	6	10¼			
	Long Annuities, expire 1860 ...	1,331,458	14	0	—					
	Life Annuities payable at the Exchequer, English	25,203	19	2½	—					
	Do. - Irish	35,476	18	7	7,038	0	9			
		25,742,969	19	6	1,147,108	7	7¼			
Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax under Schedules C. D. 1 & D. 2, 53 Geo. 3, c. 123		9,425	18	9	—					
Management		277,991	19	4¼	796	8	1¾			
The Trustees of Military and Naval Pensions and Civil Superannuations		2,800,000	0	0	—					
TOTAL CHARGE, including Sinking Fund and Pensions		34,489,446	3	2¼	1,352,214	14	8¼	35,841,660	17	10½

ABSTRACT.

—	CAPITALS.			CAPITALS transferred to the Commissioners.			CAPITALS unredeemed.			ANNUAL CHARGE. Due to the Public Creditor.			ANNUAL CHARGE. MANAGEMENT.			ANNUAL CHARGE. SINKING FUND.			ANNUAL CHARGE. TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Great Britain.............. ...	772,845,773	16	10¾	26,159,406	18	8	746,686,366	18	2¾	25,752,495	18	3	277,991	19	4¼	5,659,058	5	7	(a)		
Ireland	32,056,496	9	9	1,265,971	7	6	30,790,525	2	3	1,147,108	7	7¼	796	8	1¾	204,309	18	11¼	—		
	804,902,270	6	7¾	27,425,378	6	2	777,476,892	0	5¾	26,899,504	5	10¼	278,788	7	6	5,863,368	4	6¼	—		
The Trustees of Military and Naval Pensions and Civil Superannuations										2,800,000	0	0	—			—			—		
										29,699,504	5	10¼	278,788	7	6	5,863,368	4	6¼	35,841,660	17	10½

	£.	s.	d.
Purchased with the Sinking Fund (including *£*.6,149,245. 17*s*. 4*d*. Non-assented *£*.4 per cents, vested in the Commissioners as *£*.3½ per cents, 5 Geo. 4, c. 45	23,372,428	5	10
Transferred for Life Annuities	2,949,436	0	0
Stock unclaimed, 10 years and upwards	220,816	1	7
Purchased with Unclaimed Dividends	568,500	0	0
Transferred for Redemption of Land Tax, under Schedules C. D. 1, and D. 2	314,197	18	9
TOTAL transferred to the Commissioners, as above.........	27,425,378	6	2

(a) Chargeable with *£*.617,536 19*s*. 0*d*. Life Annuities, per 48 Geo. 3, c. 142.
Do. with the Sum of *£*.71,300 Annuities for a Term of Years to the Trustees of the Waterloo Fund, per 59 Geo. 3, c. 34, payable by sundry Half-yearly Instalments.

Also with the Payment of *£*.125,445 17*s*. 4*d*. (by Quarterly Instalments), being part of *£*.6,149,245 17*s*. 4*d*. Non-assented *£*.4 per cents vested in the Commissioners as *£*.3½ per cents, per 5 Geo. 4, c. 45.

National Debt Office, 9th February, 1828.

S. HIGHAM, Compt. Gen.

An Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on 5th January, 1828.

	PROVIDED. £.	s.	d.	UNPROVIDED. £.	s.	d.	TOTAL. £.	s.	d.
Exchequer Bills, exclusive of £.75,200 issued for paying off £.4 per cents, the payment of which is charged on the Sinking Fund	3,012,650	0	0	24,534,200	0	0	27,546,850	0	0
Sums remaining unpaid, charged upon aids granted by Parliament	2,467,836	17	8¾	-	-	-	2,467,836	17	8¾
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain	252,759	3	4¾	-	-	-	252,759	3	4¾
TOTAL Unfunded Debt, and Demands outstanding	5,733,246	1	1½	24,534,200	0	0	30,267,446	1	1½
Ways and Means	6,085,296	9	9	—			—		
SURPLUS Ways and Means	352,050	8	7½	—			—		
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund	-	-	-	6,617,800	17	10¾	6,617,800	17	10¾

Whitehall, Treasury Chambers,
20th February, 1828.

GEO. R. DAWSON.

An Account showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1827, have been disposed of; distinguished under their several Heads; to 5th January, 1828.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
NAVY	6,125,850	0	7	5,790,791	18	0
ORDNANCE	1,649,972	0	0	1,420,000	0	0
FORCES	8,153,228	19	4½	6,996,906	13	3¼
Royal Military College	13,229	3	7	13,000	0	0
Royal Military Asylum	28,046	17	0	16,454	1	3
Civil Contingencies, for the year 1827	290,000	0	0	273,957	1	8
Works and Repairs of Public Buildings	27,000	0	0	15,768	7	3
Works executing at the Royal Harbour of George the Fourth, at Kingstown (formerly Dunleary)	20,000	0	0	—		
Works for the accommodation of the two Houses of Parliament	25,160	0	0	19,083	9	3
To complete the Expense of erecting the new Courts of Justice at Westminster	18,612	0	0	7,290	13	11
Salaries and Allowances to the Officers of the Houses of Lords and Commons	21,000	0	0	21,000	0	0
Expense of the Houses of Lords and Commons	16,000	0	0	16,000	0	0
To make good the Deficiency of the Fee Fund in the Departments of the Treasury, Secretaries of State, Privy Council, and Committee of Privy Council for Trade	101,182	0	0	69,258	8	3
Contingent Expenses and Messengers Bills in the Departments of the Treasury, Secretaries of State, Privy Council, and Committee of Privy Council for Trade	75,823	0	0	72,122	0	0
Salaries of certain Officers, and the Expenses of the Court and Receipt of Exchequer	5,700	0	0	5,700	0	0
Salaries or Allowances granted to certain Professors in the Universities of Oxford and Cambridge, for reading Courses of Lectures	958	5	0	958	5	0
Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the Contingent Expenses of their Office; and also the Expenses attendant upon the Circuits	14,540	0	0	7,524	19	6
Salaries of the Officers, and the Contingent Expenses of the Office for the Superintendence of Aliens, and also the Superannuations or Retired Allowances to Officers formerly employed in this service	4,932	0	0	4,932	0	0
To pay the usual Allowances to Protestant Dissenting Ministers in England, poor French Protestant Refugee Clergy, poor French Protestant Refugee Laity, and sundry small Charitable and other Allowances to the Poor of St. Martin's in the Fields, and others	5,912	7	10	2,687	13	6
Expense of printing Acts of Parliament, and Bills, Reports and other Papers for the two Houses of Parliament	80,000	0	0	26,806	7	2
Expense of printing under the direction of the Commissioners of Public Records	7,500	0	0	2,088	0	0
To defray the probable Expense of providing Stationary, Printing, and Binding for the several Public Departments of Government, including the Stationary Office	95,990	0	0	80,000	0	0
Extraordinary Expense of the Mint, in the Gold Coinage	50,000	0	0	50,000	0	0
Loss and Expense in the Re-coinage of the Irish Silver Tokens, and the Irish Copper Coin	20,343	0	0	20,343	0	0
Extraordinary Expense that may be incurred for Prosecutions, &c. relating to the Coin of this Kingdom	5,000	0	0	—		
Extraordinary Expense in the Department of the Lord Chamberlain, for Fittings and Furniture to the two Houses of Parliament	19,628	0	0	17,429	9	9½

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Expense of Law Charges	12,000	0	0	12,000	0	0
To pay Bills drawn from abroad by his Majesty's Governors and others, for the Expenses incurred under the Act for the Abolition of the Slave Trade; and in conformity to certain Orders in Council for the Support of Captured Negroes, Free American Settlers, &c.	30,000	0	0	12,500	0	0
To defray the Amount of Bills drawn or to be drawn from New South Wales	120,000	0	0	120,000	0	0
To indemnify certain Proprietors of Slaves in the United States of America, under the Treaty concluded at Ghent, and the Convention signed at St. Petersburgh and London	50,000	0	0	45,379	9	4
The following SERVICES are directed to be paid without any Fee or other Deduction whatsoever:						
For defraying the CHARGE of the CIVIL ESTABLISHMENTS undermentioned, for the year 1827; viz.						
Of the Bahama Islands	3,040	0	0	3,040	0	0
Of Nova Scotia	10,645	0	0	10,645	0	0
Of New Brunswick in America	5,100	0	0	2,500	0	0
Of the Island of Bermuda in America	4,000	0	0	3,000	0	0
Of Prince Edward Island in America	2,820	0	0	1,300	0	0
Of the Island of Newfoundland	12,461	0	0	7,000	0	0
Of Sierra Leone	13,874	1	8	1,537	15	0
Of the Civil and Military Establishments of the Settlements on the Gold Coast	34,800	15	8	11,000	0	0
Expense of the British Museum	12,877	0	0	12,877	0	0
Expense of Works executing at Port Patrick Harbour	7,000	0	0	7,000	0	0
Expense of Works executing at Donaghadee Harbour	8,000	0	0	8,000	0	0
Expense of Buildings at the British Museum	12,000	0	0	12,000	0	0
Expense of Buildings at the Offices of the Privy Council, and of the Committee of Privy Council for Trade	26,250	0	0	18,269	3	7
Expense of Repairs and Works to be executed at Windsor Castle	100,000	0	0	100,000	0	0
In aid of the Expense of erecting Churches, and providing Residences for Bishops in the West Indies	8,000	0	0	—		
Expense of the Commissioners for the Harbours and Roads of Howth and Holyhead	17,979	0	0	—		
To make Compensation to the Commissioners appointed by several Acts for inquiring into the Collection of the Revenue in Ireland, and into certain Revenue Departments in Great Britain, for their assiduity, care, and pains in the execution of the Trust reposed in them by Parliament	6,000	0	0	6,000	0	0
To make Compensation to the Commissioners appointed by his Majesty for inquiring into the nature and extent of the Instruction afforded by the several Institutions in Ireland established for the purpose of Education, for their assiduity, care, and pains in the execution of the Trust reposed in them	7,000	0	0	7,000	0	0
Expense of the Establishment of the Penitentiary House at Milbank, from 24th of June 1827 to 24th of June 1828	20,000	0	0	10,000	0	0
Charge of Retired Allowances or Superannuations to Persons formerly in Public Offices or Departments, or in the Public Service	17,250	12	6	1,112	2	3
To enable his Majesty to grant Relief to Toulonese and Corsican Emigrants, Dutch Naval Officers, St. Domingo Sufferers, and others who have heretofore received Allowances from his Majesty, and who from Services performed or Losses sustained in the British Service have special claims upon his Majesty's Justice and Liberality	14,970	0	0	8,260	0	0
Expense of the National Vaccine Establishment	3,000	0	0	3,000	0	0
For the Support of the Institution called "The Refuge for the Destitute"	4,000	0	0	4,000	0	0
For the Relief of the American Loyalists	5,200	0	0	3,000	0	0
Expense of confining and maintaining Criminal Lunatics	3,422	4	0	3,422	4	0

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	*s.*	*d.*	£.	*s.*	*d.*
For his Majesty's Foreign and other Secret Services	53,000	0	0	46,000	0	0
Expense attending the confining, maintaining, and employing Convicts at Home and at Bermuda	112,746	0	0	94,600	0	0
Salaries and Incidental Expenses of the Commissioners appointed on the part of his Majesty under the Treaties with Spain, Portugal and the Netherlands, for preventing the illegal Traffic in Slaves	18,000	0	0	—		
Expense of the Missions and Special Commissions to the New States of America	50,000	0	0	17,025	9	11¼
Salaries of Consuls General, and Consuls, their Contingent Expenses, and Superannuation Allowances to retired Consuls	100,870	0	0	45,522	6	5½
Expense of Emigration from the United Kingdom	20,480	0	0	20,480	0	0
Expense of certain Colonial Services (formerly paid out of the Extraordinaries of the Army)	2,442	10	0	2,442	10	0
Expense of the Society for the Propagation of the Gospel in certain of his Majesty's Colonies	16,182	0	0	16,019	10	0
Expense in the year 1827 of improving the Water Communication between Montreal and the Ottawa, and from the Ottawa to Kingston	56,000	0	0	—		
Charge of providing Stores for the Engineer Department in New South Wales and Van Diemen's Land, Bedding and Clothing for the Convicts, Clothing and Tools for the liberated Africans at Sierra Leone, and Indian Presents for Canada	49,000	0	0	49,000	0	0
For defraying the Charge of the following Services in Ireland, for the year 1827; which are directed to be paid Nett in British Currency:						
Protestant Charter Schools of Ireland	18,500	0	0	18,500	0	0
Association for Discountenancing Vice	9,000	0	0	6,668	9	3
Society for the Education of the Poor	25,000	0	0	25,000	0	0
Foundling Hospital	34,000	0	0	34,000	0	0
House of Industry	23,000	0	0	15,000	0	0
Richmond Lunatic Asylum	6,900	0	0	6,900	0	0
Hibernian Society for Soldiers' Children	7,500	0	0	7,500	0	0
Hibernian Marine Society	1,800	0	0	1,800	0	0
Female Orphan House	1,831	0	0	1,831	0	0
Westmorland Lock Hospital	3,500	0	0	3.500	0	0
Lying-in Hospital	2,770	0	0	2,770	0	0
Doctor Stevens's Hospital	1,700	0	0	1,700	0	0
Fever Hospital, Cork Street, Dublin	4,210	0	0	4 210	0	0
Hospital for Incurables	465	0	0	465	0	0
Roman Catholic Seminary at Maynooth	8,928	0	0	6,696	0	0
Royal Cork Institution	1,500	0	0	1,500	0	0
Royal Dublin Society	7,000	0	0	7,000	0	0
Royal Irish Academy	300	0	0	300	0	0
Board of Charitable Bequests	700	0	0	700	0	0
Linen Board	10,000	0	0	10,000	0	0
Board of Works	16,810	0	0	6,711	5	3
Printing, Stationary, and other Disbursements of the Chief and Under Secretaries Offices and Apartments, and other Public Offices in Dublin Castle	15,886	0	0	11,446	16	4
Publishing Proclamations and other Matters of a Public nature	5,800	0	0	4,193	11	2
Printing Statutes	3,500	0	0	—		
Criminal Prosecutions	33,579	0	0	33,579	0	0
Nonconforming, Seceding and Protestant Dissenting Ministers	14,360	6	0	9,865	2	11
Salaries to Lottery Officers	944	0	3	931	8	4½
Inland Navigations	4,748	0	0	4,748	0	0
Police and Watch Establishments of the City of Dublin	24,300	0	0	24,300	0	0
Commissioners of Judicial Inquiry	7,324	0	0	5,510	4	3
Record Commission	3,487	0	0	2,000	11	2
Public Works in Ireland	20,000	0	0	17,000	0	0
	18,245,360	3	5½	15,951,361	6	1

SERVICES—*continued.*	SUMS Voted or Granted. £.	s.	d.	SUMS Paid. £.	s.	d.
To enable his Majesty to provide for any additional Expense which may arise on account of his Majesty's Forces in Portugal	500,000	0	0	—		
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the years 1826 and 1827, now remaining unpaid or unprovided for	23,200,000	0	0	20,900,700	0	0
To pay off and discharge Exchequer Bills, issued pursuant to several Acts for carrying on Public Works and Fisheries, and for building additional Churches, outstanding and unprovided for	593,200	0	0			
	42,538,560	3	5½	36,852,061	6	1

PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

——	Sums Paid to 5th January 1828. £.	s.	d.	Estimated further Payments. £.	s.	d.
Grosvenor Charles Bedford, Esq. on his Salary, for additional trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, c. 1	150	0	0	50	0	0
Expenses in the Office of the Commissioners for issuing Exchequer Bills, pursuant to Acts 57 Geo. 3, c. 34 & 124, and 3 Geo. 4, c. 86	2,000	0	0			
Expenses in the Office of the Commissioners for inquiring into the Collection and Management of the Revenue	2,000	0	0			
Expenses incurred in the passing of the Act 5 Geo. 4, c. 90, for building additional Churches in Scotland........	1,155	12	1			
By Interest on Exchequer Bills; viz.						
£.20,000,000 per Act 6 Geo. 4, c. 2, charged on Supplies, 1826	42,651	15	9			
10,500,000 per Act 6 Geo. 4, c. 70 - - ditto - - 1826	50,000	0	0			
10,000,000 per Act 7 Geo. 4, c. 2 - - ditto - - 1827	253,734	15	3			
13,000,000 per Act 7 Geo. 4, c. 50 - - ditto - - 1827	353,000	0	0			
	701,692	3	1	50	0	0
				701,692	3	1
TOTAL Payments for Services not voted				701,742	3	1
Amount of Sums voted				42,538,560	3	5½
TOTAL Sums voted, and Payments for Services not voted				43,240,302	6	6½

WAYS AND MEANS

for answering the foregoing Services:

				£.	s.	d
Trustees for the Payment of Naval and Military Pensions, and Civil Superannuations, per Act 3 Geo. 4, c. 51				4,155,000	0	0
East India Company, per Act 4 Geo. 4, c. 71				60,000	0	0
Money remaining in the Exchequer on the 5th day of January 1827, charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland for Services, and which could not be claimed				354	0	8
Money remaining in the Exchequer, which had been directed to be issued to sundry Persons prior to the 5th day of January 1820, and which not having been paid, remains as Out Cash in the Chests of the four Tellers of the Exchequer				5,924	13	0¼
Sum to be brought from the Consolidated Fund, per Act 7 & 8 Geo. 4, c. 42				11,600,000	0	0
Interest on Land Tax redeemed by Money				12	18	0½
Duty on Sugar, Pensions and Personal Estates, per Act 7 & 8 Geo. 4, c. 7				3,000,000	0	0
Surplus Ways and Means, per Act 7 & 8 Geo. 4, c. 7				81,754	1	0
Unclaimed Dividends, &c. after deducting Repayments to the Bank of England, for deficiencies of Balance in their hands				22,993	2	1
Repayments on account of Exchequer Bills issued pursuant to two Acts of the 57th year of his late Majesty, for carrying on Public Works and Fisheries in the United Kingdom				242,877	0	10
				19,168,915	15	7½
Exchequer Bills; viz. 7 Geo. 4, c. 2	£.10,000,000	0	0			
7 & 8 Geo. 4, c. 41	13,800,000	0	0			
7 & 8 Geo. 4, c. 70, Vote of Credit	500,000	0	0	24,300,000	0	0
TOTAL Ways and Means				43,468,915	15	7½
TOTAL Sums voted, and Payments for Services not voted				43,240,302	6	6½
SURPLUS Ways and Means				228,613	9	1

Whitehall, Treasury Chambers,
20th February 1828.

GEO. R. DAWSON.

CLASS VII.—ARREARS AND BALANCES.

[This Head, which occupies 108 folio pages in the Finance Accounts, is here omitted, as not being of general utility.]

TRADE OF THE UNITED KINGDOM.

An Account of the Value of all IMPORTS into, and of all EXPORTS from, the United Kingdom of Great Britain and Ireland, during each of the Three Years ending the 5th January, 1828 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade between Great Britain and Ireland reciprocally).

YEARS ending 5th January.	VALUE OF IMPORTS into the United Kingdom, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported therefrom according to the Real and Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1826....	44,208,807	6	5	47,150,689	12	11	9,169,494	8	3	56,320,184	1	2	38,870,945	11	11
1827....	37,686,113	11	7	40,965,735	19	9	10,076,286	11	5	51,042,022	11	2	31,536,723	5	2
1828....	44,887,774	19	2	52,219,280	8	0	9,830,728	2	11	62,050,008	10	11	37,182,857	3	2

FOREIGN TRADE OF GREAT BRITAIN.

An Account of the Value, as calculated at the Official Rates, of all IMPORTS into, and of all EXPORTS from, Great Britain, during each of the Three Years ending the 5th January, 1828; showing the Trade with Foreign Parts separately from the Trade with Ireland; and distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real and Declared Value thereof.

TRADE OF GREAT BRITAIN WITH FOREIGN PARTS:

YEARS ending 5th January.	VALUE OF IMPORTS into Great Britain, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real and Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1826....	42,660,954	8	4	46,453,021	17	1	9,155,305	5	0	55,608,327	2	1	38,077,330	9	0
1827....	36,038,951	8	1	40,332,854	0	6	10,066,502	12	11	50,399,356	13	5	30,847,528	1	7
1828....	43,467,747	7	7	51,276,448	4	8	9,806,247	10	11	61,082,695	15	7	36,396,339	6	8

Inspector General's Office, Custom House,
London, 24th March, 1828.

WILLIAM IRVING,
Inspector General of Imports and Exports.

TRADE OF IRELAND.

An Account of the VALUE of all IMPORTS into, and of all EXPORTS from, IRELAND; during each of the Three Years ending 5th January 1827 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade with GREAT BRITAIN); distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—also stating the Amount of the Produce and Manufactures of the United Kingdom Exported from IRELAND, according to the Real or Declared Value thereof.

—		VALUE of Imports into IRELAND, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM IRELAND, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom, Exported from Ireland, according to the Real or Declared Value thereof.
			Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
YEARS ENDING		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
VALUE exclusive of the Trade with GREAT BRITAIN.	5th January 1826	1,547,852 18 1½	697,667 15 10	14,189 3 3	711,856 19 1	793,615 2 11½
	— 1827	1,647,162 3 6	632,881 19 3	9,783 18 6	642,665 17 9	689,195 3 7½
	— 1828	1,420,020 11 7	942,832 3 4	24,480 12 0	967,312 15 4	786,517 16 6

Inspector General's Office, Custom House, London,
24th March, 1828.

WILLIAM IRVING,
Inspector General of Imports and Exports.

NAVIGATION OF THE UNITED KINGDOM.

New Vessels Built.—An Account of the Number of Vessels, with the Amount of the Tonnage, that were built and registered in the several Ports of the British Empire, in the Years ending the 5th January 1826, 1827, and 1828, respectively.

—	In the Years ending the 5th January.					
	1826.		1827.		1828.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels,	Tonnage.
United Kingdom	975	122,479	1,115	118,363	894	93,144
Isles Guernsey, Jersey, and Man	28	1,550	24	2,171	17	1,894
British Plantations	536	80,895	580	86,554	374	50,771
TOTAL	1,539	204,924	1,719	207,088	1,285	145,809

Vessels Registered.—An Account of the Number of Vessels, with the Amount of their Tonnage and the Number of Men and Boys usually employed in Navigating the same, that belonged to the several Ports of the British Empire, on the 31st December 1825, 1826, and 1827, respectively.

—	On 31st Dec. 1825.			On 31st Dec. 1826.			On 31st Dec. 1827.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom	20,087	2,298,836	146,703	20,469	2,382,069	149,894	19,035	2,150,605	130,494
Isles Guernsey, Jersey, and Man	508	28,505	3,773	499	29,392	3,665	489	30,533	3,701
British Plantations	3,579	214,375	15,059	3,657	224,183	14,077	3,675	279,362	17,220
TOTAL	24,174	2,542,216	165,535	24,625	2,635,644	167,636	23,199	2,460,500	151,415

Note.—The apparent decrease in the Number and Tonnage of Ships belonging to his Majesty's Dominions, for the year ended 5th January 1828, has arisen from the operation of the Registry Acts 4 and 6 Geo. 4, which required all Vessels to be registered *de novo*, within a limited period; the consequence has been, that many Vessels which were supposed to be in existence, were found to be no longer so.

Office of Regr. Gen. of Shipping, Custom House,
London, 22nd March, 1828.

T. E. WILLOUGHBY.

NAVIGATION OF THE UNITED KINGDOM—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages) that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to all Parts of the World (exclusive of the intercourse between Great Britain and Ireland) during each of the Three Years ending 5th January, 1828.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM,

From Foreign Parts.

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1826...	13,503	2,143,317	123,028	6,981	959,312	52,722	20,484	3,102,629	175,750
1827...	12,473	1,950,630	113,093	5,729	694,116	39,838	18,202	2,644,746	152,931
1828...	13,133	2,086,898	118,680	6.046	751,864	43,536	19,179	2,838,762	162,216

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM,

To Foreign Parts.

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1826...	10,843	1,793,842	109,657	6,085	906,066	47,535	16,928	2,699,908	157,192
1827...	10,844	1,737,425	105,198	5,410	692,440	37,305	16,254	2,429,865	142,503
1828...	11,481	1,887,682	112,385	5,714	767,821	41,598	17,195	2,655,503	153,983

Office of Regr. Gen. of Shipping, Custom House,
London, 22nd March, 1828.

T. E. WILLOUGHBY.

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